REMOTE STORAGE

CHARTER

OF THE

ACKS OFFICE

CITY OF RALEIGH

PREFACED BY A

RECAPITULATION

OF THE VARIOUS

Acts, Ordinances and Resolutions

CONCERNING THE CITY.

RALEIGH:
DAILY NEWS BOOK AND JOB OFFICE.
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1876

RECAPITULATION

OF THE VARIOUS

ACTS, ORDINANCES AND RESOLUTIONS

CONCERNING THE

CITY OF RALEIGH

FROM 1787 TO 1876.

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1. Resolution recommending the people of North Carolina to direct their Representatives to fix on the place for the seat of Government. December 6th, 1787.

2. Ordinance for establishing a place for holding the future meetings of the General Assembly, and a place of residence of the Chief officers of the State.

The place was fixed "within ten miles of the plantation whereon Isaac Hunter now resides." August 4th, 1788.

3. Act to carry into effect the foregoing ordinance. 1791.

4. Act to confirm the proceedings of the Commissioners appointed under an Act at the last General Assembly entitled "an act to carry into effect an ordinance for establishing, &c., ratified August 4th, 1788."

The act recites that the Commissioners, Frederick Hargett, Willie Jones, Joseph McDowell, Thomas Blount, William Johnston Dawson and James Martin, purchased from Joel Lane 1,000 acres. The deed was made to Gov. Alexander Martin. Upon four hundred acres of the land a city was laid off, comprising besides the streets, two hundred and seventy-six acre lots. Their proceedings were ratified, and the city named "Raleigh," September 31st, 1792.

5. Act amending act of July, 1788, authorizes any three of the Commissioners above named to act. 1794.

6. Act for the regulation of the city of Raleigh.

John Haywood, Dugal McKeethan, John Marshall, John Rogers, John Pain, James Mares and John Craven appointed Commissioners and authorized to elect an Intendant of Police. The usual powers conferred upon municipal corporations, given to the city. Feb. 7th, 1795.

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7. Act continuing in force the foregoing act of February 7th, 1795. February 21st, 1797.

8. Act to revive and amend the act of February 7th, 1795.

Joshua Sugg, William Polk and Theophilus Hunter added as Commissioners. December 18th, 1801.

9. Act for the government of the City of Raleigh, and for repealing all former acts passed for this purpose.

Act of incorporation in twenty-three sections. December 7th, 1803.

10. Act for the appointment of Auctioneers. December 19th, 1806.

11. Act dividing the City of Raleigh into three Wards, and to amend the act for the government of the City of Raleigh, &c.

Gives the Middle Ward five Commissioners, the Eastern Ward three and the Western Ward one. December 20th, 1806.

12. Act amending the foregoing act.

Gives Western Ward three Commissioners. December 23rd, 1809.

13. Act to explain and amend the act of 1806. December 21st, 1811.

14. Act for the better government of the City of Raleigh.

Vests the government in the Intendant of Police and seven Commissioners, three from the Middle Ward and two each from the Eastern and Western Wards. December 17th, 1813.

15. Act to revive section 2 of act of 1801. December 24th, 1814.

16. Act to enable the Intendant of Police and Commissioners of Raleigh to supply the City with water, and for other purposes. December 19th, 1815.

17. Act for the better regulation of the City of Raleigh. 1816.

18. Act increasing the powers of Commissioners of incorporated towns in regard to dogs, &c.

19. Act directing the sale of certain public land adjoining the City of Raleigh, and for other purposes. 1819.

20. Act to amend an act entitled an act laying duties on sales at auction of merchandise. December 18th, 1820.

21. Act in addition to former acts passed for the government of the City of Raleigh. December 22nd, 1821.

22. Act to provide against the introduction and spreading of contagious or infectious diseases in this State. January 5th, 1825.

23. Act for the better protection of the City of Raleigh from losses by fire. February 10th, 1827.

24. Act to amend the act of 1814 entitled an act to revive section 2 of act of 1801, entitled "act to revive act of 1775, [1795] and for other purposes." January 13th, 1834.

25. Act to enable Commissioners of Raleigh to appoint Trustees of the Rex Hospital Fund, and to erect such Trustees into a body corporate, and for other purposes. January 11th, 1841.

26. Act to amend acts of 1792-'93 and the several subsequent acts for the regulation of the City of Raleigh, and to authorize the Inten-

dant of Police and the Commissioners to levy a special or guard tax for said City. January 23rd, 1843.

27. Act to invest the Intendant of Police of the city of Raleigh with the same powers and authorities within that corporation as is exercised by Justices of the Peace, and for other purposes. January 26th, 1843.

28. Resolution granting the free use of stone from the quarry to the Commissioners of the city of Raleigh. January 17th, 1845.

29. Act to protect from injury the lots belonging to the State in the city of Raleigh. January 17th, 1847.

30. Act to amend an act passed in 1803, entitled an act for the government of the city of Raleigh. January 28th, 1851.

31. Act to amend an act for the government of the city of Raleigh, passed December 7th, 1803. February 3rd, 1855.

All of the foregoing Acts, Resolutions and Ordinances which it was deemed desirable to continue in force, were included in the act which is the basis of the present charter:

Act to revise and consolidate the charter of the city of Raleigh. Private acts 1856-'57, chapter 98. February 3rd, 1857.

The following are the Acts, Ordinances and Resolutions concerning the city of Raleigh which have been passed since February 3rd, 1857. Those marked * are embraced in other acts, have been repealed or are repealing statutes, and are not included in the charter; the remainder have been incorporated into the charter:

*Act to amend the charter of the city of Raleigh and other cities and towns. Private acts 1861, extra session, chapter 24. May 7th, 1861.

Ordinance to enlarge the Police powers of the several corporate towns in this State. Ordinance No. 20. May 9th, 1862.

Act to amend the charter of the city of Raleigh. Acts 1862-'63, chapter 49. January 28th, 1863.

*Act to charter the city of Raleigh. Private acts 1866, chapter 1. March 10th, 1866. (This charter was submitted to the voters of the city as provided therein, and rejected by them.)

Act to authorize the Mayor or Chief Magistrate of any incorporated city or town in this State to enforce the collection of fines and penalties. Acts 1866-'67, chapter 13. March 2nd, 1867.

Act to authorize incorporated towns and cities to establish systems of public schools. Acts 1866-'67, chapter 14. February 28th, 1867. (This act will be found as an appendix.)

Act to enable the city of Raleigh to borrow money for certain purposes. Private acts 1868-'69, chapter 44 March 3rd, 1869.

*Act in relation to a house on Baptist [Moore] Square in the city of Raleigh. Acts 1869-'70, chapter 155. March 26th, 1870.

Act to amend the charter of the city of Raleigh, ratified February 3rd, 1857 and January 28th, 1863. Private acts 1870-'71, chapter 24. February 23rd, 1871.

Act concerning debts contracted by municipal corporations. Acts 1870-'71, chapter 99. February 28th, 1871.

Act concerning municipal officers. Acts 1870-'71, chapter 177 March 31st, 1871.

Act to protect the city of Raleigh from accident by fire. Private acts 1870-'71, chapter 90. April 4th, 1871.

(This act is published in the appendix. It has never been submitted to the voters of the city, and is not in force.)

*Act appointing a Weigher of Cotton and a Weigher and Inspector of Cotton and Flour and Salt Fish for the city of Raleigh. Private acts 1870-'71, chapter 101. April 5th, 1871. The appointment of the officers mentioned therein was taken from the city by

*Act to incorporate the Board of Trade of the city of Raleigh. Private acts 1871-'72, chapter 95. February 8th, 1872.

*Act to give the chief officers of the cities and towns the criminal jurisdiction of Justices of the Peace. Acts 1871-'72, chapter 195. February 12th, 1872.

Act in relation to Moore and Nash Squares in the city of Raleigh. Acts 1871-'72, chapter 205. February 12th, 1872.

Act to amend the charter of the city of Raleigh. Private acts 1872-'73, chapter 68. March 1st, 1873.

Act in relation to town lots and town property. Acts 1872-'73, chapter 112. February 28th, 1873.

Act concerning incorporated towns and villages. Acts 1873-'74, chapter 49. January 16th, 1874.

*Act authorizing and empowering the Commissioners of the city of Raleigh to appoint an Inspector of wood and coal. Private acts 1873-'74, chapter 41. January 27th, 1874. Repealed by Private acts 1874-'75, chapter 60.

*Act to amend an act entitled an act to amend the charter of the city of Raleigh, ratified February 23rd, 1871. Private acts 1873-'74, chapter 78. February 11th, 1874.

Act to authorize the Commissioners of the city of Raleigh to open a street across the south end of the lot upon which the Governor's Mansion is now situated. Private acts 1873-'74, chapter 122. February 16th, 1874.

*Act to repeal acts 1873-'74, chapter 41, in regard to Inspector of wood and coal for the city of Raleigh. Private acts 1874-'75, chapter 6. December 19th, 1874.

Act concerning the city of Raleigh. Private acts 1874-'75, chapter 80. February 16th, 1875.

Act in relation to charters of cities and towns. Acts 1874-'75, chapter 146. March 10th, 1875.

Act to ascertain the indebtedness of the different counties, cities and towns of this State, and to prescribe a statute of limitations. Acts 1874-'75, chapter 243. March 22nd, 1875.

An Act relating to City of Raleigh
Priv. Act 1879 c. 110

CHARTER

OF THE

CITY OF RALEIGH,

INCORPORATING ALL THE

AMENDMENTS TO JANUARY 1st, 1876.

To continue a corporate body. Name. Private Acts 1856-'57, chapter 98 sec. 51.

SECTION 1. *The General Assembly of North Carolina do enact:* That the inhabitants of the City of Raleigh shall be, and continue as they heretofore have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of "The City of Raleigh," and under such name and style, is hereby invested with all property and rights of property, which now belong to the corporation, under any other corporate name or names heretofore used; and, by this name may acquire and hold, for the purpose of its government, welfare and improvement, all such estate as may be devised, bequeathed or conveyed to it, not exceeding in value three hundred thousand dollars, and the same may, from time to time, sell, dispose of and invest as shall be deemed advisable by the proper authorities of the corporation.

Corporate limits. Priv. Acts 1856-'57, chap. 98, sec. 86.

SEC. 2. That the present corporate limits of the city of Raleigh shall be extended one-quarter of a mile in every direction around said city, [as originally laid out and established in seventeen hundred and ninety-two,] north, south, east and west, and that the boundary line shall run parallel with the old boundary until the line shall intersect at each corner.

Wards and their boundaries. Private Acts 1874-'75, chap. 30, sec. 1.

SEC. 3. That the City of Raleigh shall be divided into five Wards, denominated the *first, second, third, fourth* and

fifth wards. The first ward shall be bounded as follows: Beginning at the intersection of Davie and Wilmington Streets, thence east with the central line of Davie street to its intersection with Bloodworth street, thence along the line of Bloodworth street to Martin street, thence east along central line of Martin street to East street, thence north with the central line of East street to its intersection with Jones street thence east with the central line of Jones street to the city line, thence with the line of the city north and west to Wilmington street, and south with the central line of Wilmington street to the beginning. *The second ward* shall be bounded as follows: Beginning at the intersection of Davie and Wilmington streets, thence with the boundaries of the first ward, east with Davie street, north with Bloodworth street, east with Martin street [By a decision of the City Attorney the description "thence with the boundaries of the first ward" controls the enumeration of those boundaries; and the Act must be construed as if, after words "Martin Street" Sec. 3. line 17, the words "north with East street and east with Jones street," had been inserted.] to the city line, thence with the boundaries of the city south and west to Fayetteville Road, thence northwardly up the center of said Road to the center of South street, thence east with South street to its intersection with Wilmington street thence north with the central line of Wilmington street to the beginning. *The third ward* shall be bounded as follows: Beginning at the intersection of South and Wilmington streets, thence north with central line of Wilmington street to city line, thence west with the city line to the center of Salisbury street, thence with the central line of Salisbury street south to South street, thence east with the central line of South street to the beginning. *The fourth ward* shall be bounded as follows: Beginning at the intersection of Davie and Salisbury streets, thence west with the central line of Davie street to Harrington street, thence

north with the central line of Harrington street to Hargett street, thence west with central line of Hargett street to the Raleigh and Gaston Railroad track, thence northward along central line of said track to its intersection with Hillsboro' street, thence west with central line of Hillsboro' street to city line, thence with city boundaries, south and east to the Fayetteville road, thence with the center of said road to South street, thence west with central line of South street to its intersection with Salisbury street, thence north with the central line of Salisbury street to the beginntng. *The fiifth ward* shall be bounded as follows: Beginning at the intersection of Davie and Salisbury streets thence with the boundaries of the *fourth ward* with the central line of Davie street to Harrington street, thence north to Hargett street, thence west with central line of Hargett street to the Raleigh and Gaston Railroad track, thence northward along central line of said track to Hillsboro' street, thence west to city limits, thence with city boundaries north and east to Salisbury street, thence down Salisbury street to the beginning.

Seventeen Aldermen. How chosen. Priv. Acts 1874-'75, chap. 80, sec. 2.

SEC. 4. There shall annually, on the first Monday in May in each year, be elected seventeen Aldermen for said city, who shall hold their offices until their successors are qualified: three of whom shall be chosen for each ward, except the *third* ward, and the third ward shall choose five. Such A dermen shall be residents of the ward for which they are chosen, and shall be elected by the qualified voters of such ward.

Appointment of Registrars. Private Acts 1874-'75, chap. 80, sec. 3.

SEC. 5. The Board of Commissioners for Wake county shall select at or before their meeting in March, 1875, and annually thereafter, a Registrar of voters for each of the five wards of the city of Raleigh, and shall cause publication thereof to be made at the Court House door, and notice to be served on such persons by the Sheriff, and shall give ten days public notice of a registration of voters in and for said wards, specifying time and place and name of Registrars.

Registration of voters. Priv Acts 1874-'75, chap. 80, sec. 4.

SEC. 6. Said Registrars shall be furnished by said County Commissioners with registration books; and it shall be the duty of said Registrars appointed for the year 1875, and thereafter, to open their books at such places in the city of Raleigh as may be designated by the said Commissioners, on or before the last Monday in March in such year, and to register therein the names of all persons applying for registration, and entitled to register and vote in that ward, for which such Registrar has been appointed, keeping the names of the white voters separate and apart from those of colored voters, and designating on the registration books opposite the names of each person registering, the place of his residence in his ward, and if any applicant for registration shall not disclose the place of his residence in his ward, his wilful failure so to do shall be *prima facie* evidence that he is not entitled to register in such ward. Any person offering to register may be required to take and subscribe an oath that he is a citizen of North Carolina; and has resided in the city of Raleigh ninety days, and in the ward for which he offers to register, thirty days next preceding that date, or is otherwise entitled to register, and that his place of residence is at ——— in such ward; and if any person shall wilfully swear falsely in such affidavit, he shall be deemed guilty of a misdemeanor, and on conviction, shall be sentenced to pay a fine of one hundred dollars, and to be imprisoned sixty days in the county jail: *Provided*, That after the first registration shall have been made by virtue thereof, a new registration shall not be annually had, but a revision of the registration books shall be made ten days prior to each succeeding election to be held for said city, agreeably to the provisions of section eight, chapter fifty-two, Battle's Revisal.

Books of Registration, when closed. Private Acts 1874-'75, chap. 80, sec. 5.

SEC. 7. The registration books shall be closed ten days before the day of election, and after the same are closed, no person shall be allowed to register, but the Registrar

shall, on application before said books are closed, register all persons not then qualified to vote in his ward, who will become so qualified on or before the day of election. Immediately after the said books are closed, they shall be deposited in the office of the Sheriff of Wake county, and citizens desiring so to do, may inspect them.

Inspectors of Election. Private Acts 1874-'75, chap. 80, sec. 6.

SEC. 8. The Board of Commissioners of Wake county, at or before their meeting in April, 1875, and annually thereafter, shall appoint four Judges or Inspectors of election for each of the several wards of the City of Raleigh, to open the polls and superintend the same for the municipal election to be held on the first Monday in May next succeeding, and the polls shall be opened at such places in the wards respectively as said Commissioners shall dssignate—such election shall be held as near as may be agreeable to the provisions of sections eleven, fourteen fifteen, nineteen and twenty of chapter fifty-two of Battle's Revisal, and the Registrars and the Judges of election, whose appointments are herein provided for, shall have authority to administer oaths, and shall have all the powers of such officers appointed under the title of "General Assembly" of Battle's Revisal.

Electors. Private Acts 1874-'75, chap. 80, sec. 7.

SEC. 9. All electors who have resided in the City of Raleigh ninety days and for the ward for which they offer to register, thirty days next preceding the election, shall be entitled to register hereunder.

Polls. Challenges. Priv. Acts 1874-'75, chap. 80, sec. 8.

SEC. 10. The polls shall be opened on the day of election from seven o'clock in the morning until sunset of the same day—no person whose name has not been duly registered, shall be allowed to vote; and any one offering to vote may be challenged at the polls, and if the Judges of election shall sustain the challenge, such person's ballot shall not be received. Ballots shall be on white paper and without device. The Aldermen for each ward shall be voted for on one ballot.

Ballots to be preserved. Private Acts 1874-75, chap. 80, sec. 8.

SEC. 11. After the ballots are counted, they shall be carefully preserved, and shall be, together with the poll list which shall be signed by the Judges of election, and the registration books delivered to the Register of Deeds for Wake county for preservation.

Duties of Inspectors and Sheriffs. Private Acts 1874-75, chap. 80, sec. 10.

SEC. 12. If, among the persons voted for, in any ward, there should be any two or more having an equal number of votes, and either would be elected but for the equal vote, the Registrar and Inspectors shall decide the election between such persons. As soon as the result of the election in any ward is determined, two certificates thereof shall be made under the hand of the Registrar and Inspectors, setting forth in writing and in words the number of votes each candidate received, one of which certificates they shall deliver to the Sheriff of Wake county, who shall at once make proclamation thereof at the Court House door, and the other, they shall deliver to the Mayor of the City of Raleigh. The Registrar and Inspectors shall also furnish to each person chosen as Alderman in their ward, a certificate of his election.

Registrar casting vote. Priv Acts 1874-75, chap. 80, sec. 17.

SEC. 13. Whenever, under the provisions of this act, any question is to be decided by the Judges of election, and such Judges cannot decide the same because of the tie vote, the Registrar shall give the casting vote.

Aldermen, when to qualify. Private Acts 1874-75, chap. 80, sec. 11.

SEC. 14. That on the Tuesday succeeding the day of such election the Aldermen elected thereat shall qualify by taking the oath of office prescribed for Commissioners in an act entitled, "An act to incorporate the city of Raleigh," ratified on the tenth of March, 1866, and when organized, shall succeed to and have all the rights, powers and duties heretofore prescribed by law for the Board of Commissioners of the City of Raleigh.

Mayor, how chosen. Priv. Acts, 1874-75 chap. 80, sec. 12.

SEC. 15. That the Board of Aldermen, at their first meeting after each annual election, shall choose some person, not one of their own number, to be Mayor of said City, to hold his office until his successor shall qualify,

who shall preside at the meeting of the Board of Aldermen and have the rights and powers and perform all the duties heretofore prescribed by law for such officers. For misconduct in office the Mayor may be removed from his office by a vote of three-fifths of the entire number of the Board of Aldermen, and upon such office becoming vacant for any cause, the Board of Aldermen shall fill the same for the unexpired time.

Sheriff to preserve order at polls. Private Acts 1874-'75, chap. 80, sec. 15.

SEC. 16. That all elections held by virtue of this act shall be held under the supervision of the Sheriff of Wake county, who shall attend the polls and by his deputies preserve order.

Mayor's oath. Private Acts 1856-'57, chap. 98, sec. 12.

SEC. 17. That the Mayor, immediately after his election and before entering on the duties of his office, shall take the following oath: "I, A. B., do solemnly swear, that I will diligently endeavor to perform faithfully and truly, according to my best skill, judgment and ability, all the duties of the office of Mayor of the city of Raleigh, while I continue therein, and will cause to be executed as far as in my power lies, all the laws, ordinances and regulations made for the government of the city; and, in the discharge of my duties, I will do equal justice in all cases whatsoever."

Alderman's oath. Private Acts 1856-'57, chap. 98, sec. 13.

SEC. 18. That each Alderman, entering on the duties of the office, shall take before the Mayor or some Justice of the Peace an oath that he will truly and impartially perform the duties of Alderman for the city, according to the best of his skill, ability and judgment.

Term of office. Private Acts 1856-'57, chap. 98, sec. 14.

SEC. 19. That the Mayor and Aldermen shall hold their offices respectively, until the next succeeding election, and until their respective successors are qualified.

Vacancies, how filled. Private Acts 1856-'57, chap. 98, sec. 15.

SEC. 20. That, if any person chosen Mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification, the Aldermen shall choose some qualified person Mayor for the term, or the unexpired portion of the term, as the case may be; and, on like

occasion, and in like manner, the Aldermen shall choose other Aldermen to supply the place of such as shall refuse to act, and all vacancies which may occur; and such persons only shall be chosen as are hereafter declared to be eligible.

Penalty for refusing to qualify. Private Acts 1856-'57, chap. 98, sec. 16.

SEC. 21. That any person elected Mayor or Alderman, who shall refuse to be qualified and act as such shall forfeit and pay to the equal use of the city, and of him who will sue therefore, twenty-five dollars.

Shall not lose rights or privileges by failure to elect. Private Acts 1873-'74, chap. 49, sec. 1.

SEC. 22. [That no incorporated town or village in this State shall lose any of its corporate rights and privileges by failure to elect officers on any first Monday in May.

Election, how to be called and held if not held on day of appointment. Private Acts 1873-'74, chap. 49, sec. 2.

SEC. 23. That in case of failure to elect municipal officers on any said first Monday in May in any incorporated town or village in the State, the electors residing within such incorporation limits, may, after ten days notice, signed by any three of said electors, and posted up at three places within any corporation limits, proceed to hold an election for municipal officers in the way and manner provided for in Battle's Revisal, chapter one hundred and eleven.]

Mayor's power. Priv. Acts 1874-'75, chap. 80, sec. 16.

SEC. 24. That the Mayor of the said City of Raleigh, while acting as such, is hereby constituted an official court with all the jurisdiction and powers in criminal offences, occurring within the limits of said city, which now are or may hereafter be given by law to Justices of the Peace, and shall also have jurisdiction to hear and determine all misdemeanors consisting of a violation of the ordinances of said city. The proceedings in said court shall be the same as are now or hereafter shall be prescribed for courts of Justices of the Peace, and in all cases there shall be a right of appeal to the Superior Court of Wake County. And that in all cases where a defendant may be adjudged to be imprisoned by the said Special Court, it shall be competent for said court to adjudge also that the said defendant work during the period of

his confinement, in the public streets or other public works of said city.

Mayor to issue precepts. Private Acts of 1856-'57, chap. 98, sec. 19.

SEC. 25. That the Mayor may issue his precepts to Constables of the city, and to such other officers to whom a Justice af the Peace may direct his precepts.

Mayor to keep a minute of official acts. Private Acts 1856-'57, chap. 98, sec. 20.

SEC. 26. That the Mayor shall keep a faithful minute of the precepts issued by him, and all of his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a single Justice of the Peace, and may be executed and enforced against the parties, in the county of Wake and elsewhere, in the same manner and by the same means as if the same had been rendered by a Justice of the Peace for the county of Wake.

Mayor's office. Private Acts 1856-'57, chap. 98, sec. 21.

SEC. 27. That the Mayor shall keep his office in some convenient part of the city designated by the Aldermen. He shall keep the seal of the corporation, and perform such duties as shall, from time to time, be prescribed, and he shall receive such compensation and fees as may be allowed by this act, and by the ordinances of the corporation.

Mayor to preside at meetings. Private Acts of 1856-'57, chap. 98, sec. 22.

SEC. 28. That the mayor, when present, shall preside at all meetings of the Board of Aldermen, and when there is an equal division upon any question, or, in the election of officers by the Board, he shall determine the matter by his vote. He shall vote in no other case, and, if he shall be absent, the Board may appoint one of their number, *pro tempore*, to exercise his duties at the Board [and in the event of his absence or sickness, the Board of Aldermen may appoint one of their own number, *pro tempore*, to exercise his duties.—*Bat. Rev.*, c. 3, s. 8.]

Powers and duties of Aldermen. Priv. Acts 1856-'57, chap. 98, sec. 23.

SEC. 29. That the Aldermen shall form one Board, and a majority of them shall be competent to perform all the duties prescribed for the Aldermen, unless otherwise provided; within five days after their election, they shall convene for the transaction of business, and shall then

fix stated days of meeting for the year, which shall be as often at least as once in every calendar month. The special meetings of the Aldermen may also be held on the call of the Mayor or a majority of the Aldermen, and of every such meeting when called by the Mayor, all the Aldermen, and, when called by a majority of the Aldermen, such as shall not join in the call, shall be notified in writing.

Failure to attend meetings Private Acts 1856-'57, chap. 98, sec. 24.

SEC. 30. That if any Alderman shall fail to attend a general meeting of the Board of Aldermen, or any special meeting of which he shall have notice as prescribed in the charter, unless prevented by such cause as shall be satisfactory to the Board, he shall forfeit and pay for the use of the City the sum of four dollars.

Ordinances by-laws, &c. Private Acts 1856-'57, chap. 98, sec. 25.

SEC. 31. That the Aldermen, when convened, shall have power to make and provide for the execution thereof, such ordinances, by-laws, rules and regulations, for the better government of the City, as they may deem necessary: *Provided*, The same be allowed by the provisions of this act, and be consistent with the law of the land.

Power to borrow money, provide water &c. Private Acts 1856-'57, chap. 98, sec. 26.

SEC. 32. That among the powers hereby conferred on the Board of Aldermen, they may borrow money only by the consent of a majority of the qualified registered voters, which consent shall be obtained by a vote of the citizens of the corporation after thirty day's public notice, at which time those who consent to the same, shall vote "approved," and those who do not consent, shall vote "not approved"; they shall provide water, provide for repairing and cleansing the streets, regulate the market, take all proper means to prevent and extinguish fires, make regulations to cause the due observance of Sunday, appoint and regulate City watches, suppress and remove nuisances, preserve the health of the City from contagious or infectious diseases, appoint Constables to execute such precepts as the Mayor and other persons may lawfully issue to them, to preserve the peace and order and

execute the ordinances of the City, and shall appoint and provide for the pay, and prescribe the duties of all such other officers as may be deemed necessary.

Clerk, Treasurer, &c. Private Acts 1856-'57, chap. 98, sec. 27.

SEC. 33. That the Aldermen, at their first meeting after their election, shall appoint a Clerk, a Treasurer, a Collector of taxes, and one or more Constables, who shall respectively hold their offices during the official term of the Aldermen, subject however to be removed at any time and others appointed in their stead, for misbehavior or neglect in office. Before acting, each of said officers shall be sworn to the faithful discharge of his duty, and shall execute a bond payable to the City of Raleigh, in such sum as the Aldermen shall determine.

Salary and duties Clerk. Private Acts 1856-'57, chap. 98, sec. 28.

SEC. 34. That the Clerk shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes of the proceedings of the Board, and to preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor, and generally to perform such other duties as may be prescribed by the Aldermen.

Journal and papers of the Board. Priv. Acts 1856-'57, chap. 98, sec. 29.

SEC. 35. That every person shall be allowed to inspect the journals and papers of the Board in presence of the Clerk, on paying to him twenty-five cents for each inspection, under a penalty of two dollars on the Clerk for every refusal, to be paid to him who will sue for the same.

Salary and duties of the Treasurer. Private Acts 1856-'57, chap. 98, sec. 30.

SEC. 36. That the Treasurer shall have a reasonable salary, and it shall be his duty to call on all persons who may have in their hands any moneys, as securities, belonging to the City, which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the City, to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose, a fair and correct account of all moneys received, and disbursed by him, and shall submit said account to

the Alderman whenever required to do so; on the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe keeping or otherwise, and during his continuance therein, he shall faithfully perform all duties lawfully imposed upon him as City Treasurer.

Orders on Treasurer. Private Acts 1856-'57, chap. 8, sec. 31.

SEC. 37. That all orders drawn on the Treasurer shall be signed by the Mayor and countersigned by the Clerk, and shall state the purposes for which the money is applied, and the Treasurer shall specify said purposes in his accounts, and also the sources whence are derived the moneys received by him.

Auditor. Private Acts 1871-'75, chapter 89, sec. 13.

SEC. 38. That the Board of Aldermen may choose some one of their number or other suitable person to be Auditor of the City, whose salary shall not be more than two hundred dollars per annum. No claim against the City shall be paid until it shall have been audited by such officer. He shall make monthly reports of claims audited by him to the Board of Aldermen, and shall perform such other duties as the Board may order. The Board of Aldermen may, in its discretion, abolish the office of Commissioner of the Sinking Fund, and make suitable provision for the payment and management of the City debt. That the Board shall fund the present debt of the City by issuing bonds payable in twenty and thirty years at six per centum interest with coupons payable semi-annually, receivable for taxes or other indebtedness to the City, and the Board shall contract no debt of any kind unless the money is in the treasury for its payment, except for the necessary expenses of the City government, until the taxes for the payment thereof can be collected.

Transcript of receipts and disbursements. Priv. Acts 1856-'57, chap. 98, sec. 32.

SEC. 39. That the Aldermen shall cause to be made out annually, a fair transcript of their receipts and disbursements on account of the City, for the general inspection of the citizens, and cause the same to be posted before the Court House ten days before the day of the annual elec-

tion of Aldermen; and the Alderman failing to comply with the duties prescribed in this section shall forfeit and pay for the use of the City, and for him who will sue therefor, one hundred dollars.

Duties of Constable. Priv. Acts 1856-'57, chap 98, sec. 33.

SEC. 40. That it shall be the duty of the Constable to see that the laws, ordinances and the orders of Aldermen are enforced, and to report all breaches thereof to the Mayor; to preserve the peace of the City, by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the powers and authority vested in Sheriffs and County Constables; he shall execute all precepts lawfully directed to him by the Mayor or others, and in the execution thereof, shall have the same powers which the Sheriff and Constables of the County have; and he shall have the same fees on all process and precepts executed or returned by him which may be allowed to the Constable of the county on like process and precept, and also such other compensation as the Aldermen may allow.

Powers and fees of Constable. Priv. Acts 1856-'57, chap. 98, sec. 34.

SEC. 41. That the Constable shall have the same powers and be bound by the same rules in this respect as Constables of the County of Wake, to apprehend all offenders against the State within the limits of the City, and to carry them before the Mayor or some Justice of the Peace, and for such duty he shall have the same fees as Constables of said county, to be paid by the party offending, if found guilty, otherwise by the City.

Duties of Patrol. Private Acts 1856-'57, chap. 98, sec. 35.

SEC. 42. That the Aldermen shall provide a patrol or watch for the City, and prescribe the duties and powers of the several officers, members and classes thereof, and shall pay such patrol or watch, or may class the inhabitants into such patrol or watch.

Watch, how formed. Private Acts 1856-'57, chapter 98, sec. 36.

SEC. 43. That the inhabitants, when classed into a watch, shall (each one, either in person or by a good substitute), serve in turn when ordered out by the Mayor, or other persons appointed by the Aldermen as directors of the watch.

Failing to serve. Private Acts of 1856-57, chapter 98, sec. 37.

SEC. 44. That any person being of the watch or patrol, and failing to serve and faithfully to discharge his duty, shall forfeit and pay to the City for each default, if an officer of the watch, two dollars, and if not, one dollar.

Sherff or Jailor of Wake to receive prisoners. Priv. Acts of 1856-'57, chapter 97, sec. 38.

SEC. 45. That the Sheriff or Jailor of the County of Wake is hereby required, without a mittimus, to receive into the jail of the County, as his prisoner, any person taken up in the night by the watch or constables, and to keep such person safely until the morning, when the offender shall be brought before the Mayor, or some Magistrate resident in the city, and be lawfully dealt with; and for such services the Jailor shall be entitled to such fees as he is in other like cases.*

Breach of official bonds. Private Acts 1856-'57, chap. 98, sec. 39.

SEC. 46. That for any breach of his official bond by the City Clerk, Constable, Tax Collector, or any other officer who may be required to give an official bond, he shall be liable in an action on the same, in the name of the City at the suit of the City, or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time, until the whole penalty be recovered.

Auctioneers. Private Acts 1856-'57, chap. 98, sec. 40.

SEC. 47. That every person, appointed Auctioneer for the City, shall enter in a book a daily account of all his sales, wherein shall appear as well the items sold as the aggregate of sales cast up at least once a week, and such accounts shall be open to the inspection of the Aldermen or any person authorized by them to make inspection.

Auctioneers to render abstract. Priv. Acts 1856-'57, chap. 98, sec. 41.

SEC. 48. That at the time required of Auctioneers to render to the Clerks of Superior Courts their accounts of money received on auction sales liable to tax, the Auctioneer shall render to the Treasurer of the City an abstract showing monthly the gross amount of such sales up to the time of rendering the account, which abstract shall be laid before the Aldermen.

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*NOTE—The Guard House is now used instead of the jail.

Auctioneer's commissions Private Acts 1856-'57, chap. 98, sec. 42.

SEC. 49. That every Auctioneer shall be entitled to two and one-half per cent. on the amount of sales unless otherwise agreed between him and the owner of the goods sold.

Penalty for violations. Private Acts 1856-'57, chap. 98, sec. 43.

SEC. 50. That if any Auctioneer appointed for the City shall violate any of the provisions of chapter seven of Battle's Revisal entitled "Auctions and Auctioneers," or any of the duties herein prescribed, he shall forfeit and pay for the equal use of the City and him who will sue therefor, one hundred dollars.

Acting without authority. Private Acts 1856-'57, chap. 98, sec. 44.

SEC. 51. That if any one shall presume to act as Auctioneer in the City without being duly authorized to do so, he shall be deemed guilty of a misdemeanor.

Taxes. Priv. Acts 1856-'57, chap. 98, sec. 45.

SEC. 52. That, in order to raise a fund for the expenses incident to the proper government of the City, the Aldermen may annually levy and collect the following taxes, namely:

On real estate. Private Acts 1862-'63, chap. 49, sec. 2.

*I. On real estate, situate in the City, a tax not exceeding one dollar on every hundred dollars value.

On polls.

II. On all taxable polls, a tax not exceeding three dollars a poll, who may be resident in the City on the first day of April of each year, or may have been so resident within sixty days next preceding that day.

On goods, &c.

III. On every hundred dollars value of goods, wares and merchandize, purchased for re-sale, by any merchant

*NOTE.—The Charter does not expressly provide for the taxation of personal property; but Art VII, Section 9, of the Constitution provides that "all taxes levied by any City, &c., shall be uniform and *ad valorem* upon all property in the same, except property exempt by this Constitution."

It has been decided by a former City Attorney (in which opinion I concur) that under the Constitution the City had the right, and was obliged, to lay its taxes upon all the property in the City, and that personal property should be listed. The word "property" does not include solvent credits: *Pullen* vs. *Commissioners of Raleigh*, 68 N. C. R. 451.

trading in the City, within one year next preceding the first day of April, of the year in which the same is listed, a tax not exceeding twenty cents.

*IV. Upon the owner of every omnibus, sulky, gig, buggy, barouche, carriage, or other vehicle used in the City for the carriage of persons (except stage coaches for the transportation of the mail) of which he may have been in possession on the first day of April of that year, a tax not exceeding ten dollars: *Provided*, said vehicles shall be exempt from the *ad valorem* tax. Omnibuses, &c.

V. Upon all dogs kept in the City, and which may be so kept on the first day of April, a tax not exceeding five dollars: *Provided however*, That a discrimination within this limit may be made on the different species and sexes of dogs. On dogs.

VI. Upon all swine and goats, not prohibited by the Aldermen to remain in the City when confined, a tax not exceeding fifty cents a head. On swine, &c.

VII. Upon all drays in use on the said first day of April, or which have been used within six calendar months previous thereto, a tax not exceeding ten dollars a year. On drays.

VIII. Upon all encroachments on the streets by porches, piazzas, &c., allowed by the Aldermen, a tax not exceeding one dollar per square foot. On encroachments.

Sec. 53. That the citizens of Raleigh, and others liable to be taxed on account of any of the foregoing subjects, shall, on the first day of April, or within five days thereafter, render to the Mayor, on oath, a list of their proper- Time of rendering tax-lists. Private Acts 1856-'57, chap. 98, sec. 46.

*Art. VII., sec. 9, of the Constitution declares that "all taxes levied by any county, city, town or township, shall be uniform and *ad valorem* upon all property in the same, except property exempted by this Constitution." In the opinion of the City Attorney subdivision IV. and VI. are in conflict with this section and are void. As to swine and goats, see sec. 63, sub. VIII.

ty and subjects for which they may be liable to be taxed; and if any person shall fail to render such list, he shall pay double the tax assessed on any subject for which he is liable to be taxed.

Appointment of Assessors—their duties. Acts 1856-'57, chap. 98, sec. 47.

*SEC. 54. That, within one week after receiving the tax list, the Mayor shall return the same to the Aldermen, who shall forthwith appoint three respectable freeholders, one from each ward of the City, not of their own body, as Assessors, who being duly sworn before the Mayor, to do equal and impartial justice to all in the discharge of their duties, shall assess the cash value of the taxable real estate with its improvements, lying within the corporate limits of the City, and they shall make a list thereof, together with the names of the owners thereof, previous to laying the tax, and return it to the Aldermen on or before the first day of May next ensuing; and the value of the real estate of the Assessors shall be assessed by the Aldermen.

Proceedings to lay taxes. Private Acts 1856-'57, chap. 98, sec. 48.

SEC. 55. That, as soon as the Assessors shall have made their return, the Board shall proceed to lay the taxes on such subjects of taxation as they may choose, and shall place the tax list in the hands of the Collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of August next ensuing, and shall pay the moneys as they are collected, to the Treasurer; and the Collector, for his compensation, shall receive five per cent. on the amount collected.

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*By a decision of the Supreme Court, a similar section in the Wilmington charter is declared unconstitutional, and the duty of assessing must be performed by the Board of Trustees of Raleigh Township.—*C. C. R. W. vs. The City of Wilmington*, 72 N. C., 73.

On failure to pay taxes. Private Acts 1856-'57, chap. 98, sec. 49.

SEC. 56. That if any person liable to taxes on subjects directed to be listed, shall fail to pay them within the time prescribed for collection, the Collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the City, if the property to be sold be personalty, and of twenty days if the property be realty.

Sale of real estate for taxes. Priv. Acts 1862-'63, chap. 49, sec. 11.

SEC. 57. That, when the tax is due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of August, and there is no other visible estate but such lot or land of the person in whose name it is listed, liable to distress and sale, known to the Collector, he shall report the fact to the Aldermen, together with a particular description of the real estate, and thereupon the Aldermen shall direct the same to be sold on the premises by the Collector, after advertising for twenty days in some newspaper published in the City, which the Collector shall do; and the Collector shall divide the said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor,) and shall sell as many thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the Collector shall sell the whole; and, if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the City; and, if not redeemed, as hereinafter provided, shall belong to the said City in fee.

Collector to make return of land sold, &c. Priv. Acts 1862-'63, chap. 49, sec. 11.

SEC. 58. That the Collector shall return an account of his proceedings to the Aldermen, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered on the book of proceedings of the Aldermen, and if there shall be a surplus after paying said taxes, the same shall be paid into the City treasury, subject of the the demand of the owner.

Owner may redeem. Priv. Acts 1862-'63, chap. 49, sec. 11.

SEC. 59. That the owner of any land sold under the provisions of this charter and amendments, his heirs, executors, and administrators, or any person acting for them, may redeem the same within one year after the sale, by paying to the purchaser, the sum paid by him, and twenty-five per cent. on the amount of taxes and expenses, and the Treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

If not redeemed, to be conveyed in fee. Private Acts 1856-'57, chap. 98, sec. 53.

SEC. 60. That if the real estate sold, as aforesaid, shall not be redeemed within the time specified, the corporation shall convey the same in full to the purchaser or his assigns; and the recitals in such conveyance, or in any other conveyance of land sold for taxes due the City, that the taxes were due, or of any other matter required to be true or done, before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Real estate of infants, &c. Private Acts 1856-'57, chap. 98, sec. 54.

SEC. 61. That the real estate of infants or persons *non compos mentis*, shall not be sold for tax; and when the same shall be owned by such, in common with other persons free of such disability, the sale shall be made according to Battle's Revisal, chapter one hundred and two, section twenty-eight, subdivision four.

New streets, how to be opened. Priv. Acts 1862-'63, chap. 49, sec. 6.

SEC. 62. That when any land or right of way shall be required by said City of Raleigh for the purpose of opening new streets, or for other objects allowed by its charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders of the City, to be chosen by the Aldermen; and in making said valuation, said freeholders, after being duly sworn by the Mayor, or a Justice of the Peace for the County, or a Clerk of a Court of Record, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, also any special benefit or advantage such owner may receive from the opening of

such street or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above the advantages, shall form the measure of valuation of said land or right of way: *Provided nevertheless*, That if any person over whose land the said street may pass or improvement be erected, or the Aldermen be dissatisfied with the valuation thus made, then, and in that case, either party may have an appeal to the next Superior Court of Wake county to be held thereafter; and the said freeholders shall return to the Court to which the appeal is taken their valuation with the proceedings thereon: and the land so valued by the freeholders shall vest in the City so long as it may be used for the purposes of the same, as soon as the valuation may be paid or lodged in the hands ot the Clerk of the Superior Court in case of its refusal by the owner of the land; *Provided, however*, That such appeal shall not hinder or delay the Aldermen opening such street or erecting such improvement; *And, provided further*, That in case of the discontinuance of the use of the land and its *reverter* to the owner, the City shall have the right to remove any improvement under its authority erected.

Additional subjects of taxation. Private Acts 1856-'57, chap. 98, sec. 55. Priv. Acts 1862-'63, chap. 49, sec. 2.

SEC. 63. That, in addition to the subjects listed for taxation, the Aldermen may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the City Constable instantly: and if the same be not paid on demand, the same may be recovered by suit on the articles upon which the tax is imposed, or any other property of the owner may be forthwith distrained and sold to satisfy the same, namely:

On merchants or peddlers, &c.

I. Upon all itinerant merchants or peddlers, vending or offering to vend in the City, a tax of ten dollars a year, except such only as sell books, charts or maps, and such as sell only goods, wares and merchandise and other productions of the growth or manufacture of this State.

Billiard tables, &c.

II. Upon every billiard table or bowling alley or other game allowed by law, and every victualling house or res-

taurant, established, used or kept in the City, a tax not exceeding fifty dollars a year.

Retailers of liquor. III. Upon every permission by the Board of Aldermen to retail spirituous liquors, a tax not exceeding one hundred dollars.

Circuses. IV. Upon every company of circus riders, who shall exhibit within the City or within one mile thereof, a tax not exceeding thirty dollars for each separate exhibition; the tax to be paid before the exhibition, and if not, to be double.

Theatricals. V. Upon every person or company exhibiting in the City or within one mile thereof, stage or theatrical plays, sleight of hand performances, rope dancing, tumbling, wire dancing or menageries, a tax not exceeding twenty dollars for every twelve hours allowed for exhibiting; the tax to be paid before exhibiting, or the same shall be double.

Exhibitions. VI. Upon every exhibition for reward of artificial curiosities, (models of useful inventions excepted) in the City, or within one mile thereof, a tax not to exceed twenty dollars, to be paid before exhibition, or the same shall be double.

Concerts, &c. VII. Upon each show or exhibition of any other kind and on each concert for reward, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibition, or the same shall be double.

Goats or hogs. VIII. Upon every goat or hog running at large in the City, there may be levied a tax not exceeding six dollars, and every such goat or hog may be seized and impounded, and if the owner on being notified, will not pay the tax, the animal shall be sold therefor, at such place as the Aldermen may designate, after three days notice at the Court House.

Horse, Mule, Bull. IX. Upon every horse or mule or bull going at large, a tax not exceeding ten dollars.

Dogs. X. Upon every dog which may be brought into the City after the first day of April, to be kept therein, a tax

not exceeding five dollars for the permission to keep such dog in the City, which permission shall not extend further than the last day of March next ensuing. *Provided nevertheless*, That no property or subjects of taxation which are specially exempt from taxation shall be taxed by the City.

Moneys arising from taxation. Private Acts 1856-'57, chap. 98, sec. 57.

SEC. 64. That all moneys arising from taxes, donations or other sources, shall be paid to the Treasurer, and no appropriation thereof, shall be made but by a Board constituted of a majority of all the Aldermen.

Streets to be kept clean. Private Acts 1856-'57, chap. 98, sec. 58.

SEC. 65. That the Aldermen shall cause to be kept clean and in good repair, the streets, side-walks, and alleys. They may establish the width and ascertain the location of those already provided, and lay out and open others, and may reduce the width of all of them; they may also, establish and regulate the public grounds and protect the shade trees of the City.

When city may repair sidewalks. Private Acts 1872-'73, chap. 68, sec. 1.

SEC. 66. That if any owner or lessee of lands in the City of Raleigh on being notified to repair his sidewalks according to law, shall avow his intention not to repair as ordered, the Aldermen may have such repairs made immediately, at the expense of the said owner or lessee. A notice of ten days by any officer of the City in writing shall be sufficient in any event.

Owner to pay portion of expense to make sidewalk. Private Acts 1872-'73, chap. 68, sec. 2.

SEC. 67. Where there are no sidewalks, and have never been in existence in convenient walking order along any lot in said City, the owner shall be required to pay such portion of the expense of making a sidewalk along said lot as three assessors, unconnected with the owner and disinterested, to be appointed by the Aldermen, may estimate that said property is benefited by the improvement; such expense to be a lien on the property, enforceable as liens for repairing sidewalks under existing laws; *Provided*, That there shall be right of appeal by either party to the Superior Court.

Assessors to estimate damages to be appointed. Priv. Acts 1872-'73, chap. 68, sec. 3.

SEC. 68. Before making such apportionment, the assessors shall appoint a day when they shall hear parties interested on the subject, giving at least three days' notice of the time and place of their sitting. From their decision the City lot owners may appeal to the Superior Court of Wake, but the Aldermen may, notwithstanding any appeal under this or any other act, proceed with the work of opening and grading the new street.

New street below Governor's Mansion Private Acts 1873-'74, chap. 122, sec. 1.

SEC. 69. That the Aldermen of the City of Raleigh are hereby authorized and empowered to open a street forty feet wide across the south end of the lot upon which the Governor's Mansion is now situated: *Provided*, the aforesaid Aldermen will first agree to enclose the property, on both sides of said street, with a good plank fence and move such buildings as are now on the grounds over which said street may run, and place them in good repair on another side to be designated by the Treasurer. *Provided further*, That the aforesaid Aldermen of the City of Raleigh before commencing the work do file a bond with good approved security for the sum of one thousand dollars for the faithful performance of the aforesaid work, said bond to be filed with and approved by the State Treasurer.

Power to grade streets, adorn sidewalks. Pub. Acts 1871-'72, chap. 205, sec. 1

SEC. 70. That the Board of Aldermen of the City of Raleigh shall have power to grade, lay out in walks, plant with trees, shrubery and flowers, and otherwise adorn Moore Square and Nash Square in said City, so as to make them ornamental to the City, and to that end they shall have the general charge and management of said Squares. They may improve in like manner any of the vacant lots belonging to the State within the City limits not otherwise specially appropriated.

Well-behaved persons to have free access to squares Public Acts 1871-'72, chap. 205, sec. 2.

SEC. 71. Nothing herein contained shall be construed to authorize said Aldermen to prevent the free access of all well behaved persons to said Square and lots, except at unreasonable hours, or for some temporary purpose specially to be designated by the Board.

Privilege of erecting porches, &c., on streets. Priv. Acts 1856-'57, chap. 98, sec 59.

SEC. 72. That the Aldermen may grant the privilege of erecting porches or piazzas in front of any dwelling house already built on the line of any public street, providing such porch or piazza, including the steps thereof, shall not extend more than six feet into the street: *And provided also*, That no bar or impediment be erected under or upon the same which may impede the air or view, and every such encroachment shall be measured and entered on their journals with the number of square feet which it embraces.

Cellars. Priv. Acts 1856-'57, chap. 98, sec 60.

SEC. 73. That no cellar shall be built under any sidewalk in the City, or entrance established on the sidewalk to any cellar whereby the free passage of persons may be delayed, hindered or interrupted, and every offender herein shall forfeit and pay to the City twenty-five dollars for every day the same may remain.

Sidewalks. Private Acts 1862-'63, chap. 49, sec. 7.

SEC. 74. That every owner of a lot, or person having as great an interest therein as a lease for three years, which shall front any street on which a sidewalk has been established, shall improve, in such manner as the Aldermen may direct, such sidewalk as far as it may extend along such lot; and, on failure to do so within twenty days after notice by the Constable to said owner, or if he be a non-resident of the County of Wake, to his agent or if such non-resident have no agent in said County, then, after advertisement for twenty days on such lot, and at the Court House door, calling on the owner to make such repairs, the Alderman may cause the same to be repaired either with brick, stone or gravel at their discretion, and the expense shall be paid by the person in default: said expense shall be a lien upon said lot, and if not paid within six months after completion of the repairs, such lot may be sold, or enough of the same to pay such expense and costs, under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed in said charter for the sale of land for unpaid taxes.

Officers not allowed to be contractors. Private Acts 1870-'71, chap. 24, sec. 8.

SEC. 75. That no Mayor or Aldermen, or other officer of the City, shall directly, or indirectly, become a contractor for work to be done for the City; and any person, herein offending, shall be guilty of a misdemeanor.

Abatement of nuisances. Private Acts 1862-'63, chap. 49, sec. 8.

SEC. 76. That the Aldermen may require and compel the abatement and removal of all nuisances within the City at the expense of the person causing the same, or the owner or tenant of the ground whereon the same may be; they may also prevent the establishment, within the City, and may regulate the same, if allowed to be established, any slaughter-house or place, or the exercise within the City of any offensive or unhealthy trade, business or employment.

Dogs, &c. running at large. Private Acts 1856-57, chap. 98, sec. 64.

SEC. 77. That the Aldermen shall have power to prevent dogs, horses, cattle and all other brutes from running at large in the City.

Riding at improper speed. Private Acts 1862-'63, chap. 49, sec. 9.

SEC. 78. That they may prohibit and prevent, by penalties, the riding or driving of horses or other animals at a speed greater than six miles per hour, within the City; and also the firing of guns, pistols, crackers, gun-powder, or other explosive, combustible, or dangerous materials, in the streets, public grounds, or elsewhere within the City.

Market. Private Acts 1856-'57, chap. 98, sec. 66.

SEC. 79. That the Aldermen may establish and regulate the markets and prescribe what time and place, within the corporation, marketable articles shall be sold, in what manner, whether by weight or measure, may be sold grain, meal, flour, (if not packed in barrels,) fodder, hay, or oats in straw; may create scales to weigh the same; appoint a weigh-master and fix his fees, and direct by whom they shall be paid, appoint a keeper of the market, prescribe his duties and fees, and shall also have power to prevent forestalling and regrating.

Public buildings. Private Acts 1856-'57, chap. 98, sec. 67.

SEC. 80. That they may establish all public buildings necessary and proper for the City, and prevent the erection or establishment of wooden buildings in any part of the City where they may increase the danger by fire.

Grave-yards. Private Acts 1856-'57, chap. 98, sec. 68.

SEC. 81. That they may provide grave-yards in or near the City, and regulate the same; may appoint and pay a keeper, and compel the keeping and returning bills of mortality; and they may prohibit interments within the City.

Fire Companies. Private Acts 1856-'57, chap. 98, sec. 69.

SEC. 82. That they may provide for the establishment, organization, equipment and government of fire companies; and, in all cases of fire, a majority of such of the Aldermen as shall be present may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down; for which they shall not be responsible to any one in damages.

Contagious diseases. Private Acts 1856-'57, chap. 98, sec. 70.

SEC. 83. That they may take such measures as they deem effectual to prevent the entrance into the City, or the spreading therein, of any contagious or infectious disease, may stop, detain, and examine for that purpose, every person coming from places believed to be infested with such disease, may establish and regulate hospitals within the City, or within three miles thereof; may cause any person in the City, suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital, may remove from the City, or destroy any furniture or other articles, which shall be suspected of being tainted or infected with contagious or infectious disease, or, of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease; may abate by any reasonable means all nuisances which may be injurious to the public health.

Hospital expenses. Priv. Acts 1856-'57, chap. 98, sec. 71.

SEC. 84. That in case any person shall be removed to the hospital, the corporation may recover before the Mayor or any Justice of the Peace, of such person, the expense of his removal, support, nursing and medical attendance, and burial expenses, also, in case of death.

Penalty for preventing removal. Priv. Acts 1856-'57, chap. 98, sec. 72

SEC. 85. That if any person shall attempt by force or by threat of violence, to prevent the removal to the hos-

pital of any person ordered to be conveyed thither, the person so offending, shall forfeit and pay to the City one hundred dollars, and moreover be deemed guilty of a misdemeanor.

Retail licenses. Priv. Acts 1856-'57, chap. 98, sec. 73.

SEC. 86. That it shall not be lawful for the Commissioners of Wake County to grant any license to retail spirituous liquors, within the limits of the City or within one mile thereof, without permission first obtained from the Board of Aldermen in being at the time of the application to the County Commissioners; and if any license shall be granted without permission in writing attested by the Clerk of the Board and exhibited to the County Commissioners and filed with the Clerk of the Board of County Commissioners, the same shall be utterly void, and the person obtaining such license shall be liable to indictment, as in other cases of retailing without a license, and for any offence of retailing, shall moreover forfeit and pay to the City the sum of twenty dollars.

Aldermen may prohibit sale of spiritous liquors. Proviso Ordinances 1882, chap. 20, sec. 1.

[SEC. 87. That the corporate authorities of the several cities and towns of this State shall have power to regulate, restrain or prohibit within their corporate limits, or within one mile thereof, the sale of spirituous liquors: *Provided, nevertheless,* That when any tax shall have been paid for an annual license, it shall be the duty of the Aldermen to make a *pro rata* compensation for such time as such license shall be suspended.

Penalting for violating city ordinances. Ordinances. 1882, chap. 20, sec. 2.

SEC. 88. That for the violation of any by-law, or rule made by said Aldermen, in pursuance of [the foregoing section], they may prescribe penalties not exceeding one hundred dollars for each offense, to be recovered before the Mayor, Intendant or Magistrate of Police, without any stay of process, mesne or final, and when judgment shall be given for any such penalty, the party convicted may, unless the penalty and costs be paid, be immediately committed to jail for the space of thirty days, or until payment thereof shall be made, or else the Mayor, Inten-

dant or Magistrate of Police may issue execution therefor: *Provided*, That any party dissatisfied with such judgment, shall be allowed an appeal to the next Superior Court for the County, upon entering into recognizance with sufficient security for his appearance to said Court, and also for the penalty and costs.]

Penalties of minors. Priv. Acts 1856-'57, chap. 98, sec. 75.

SEC. 89. That all penalties incurred by any minor for the breach of any of the provisions of this act or any ordinance passed in pursuance thereof, shall be recovered from the parent, guardian, or master, (if the minor be an apprentice) of such minor.

Penalties, how recovered. Private Acts 1856-'57, chap. 98, sec. 76.

SEC. 90. That all penalties imposed by law, relating to the City or by this act, by any ordinance of the City, unless otherwise provided, shall be recoverable in the name of the City of Raleigh, before the Mayor or any tribunal having jurisdiction thereof.

Penalty not to be larger than twenty-five dollars. Priv. Acts 1856-'57, chap. 98, sec. 77.

SEC. 91. That the Aldermen shall not have power to impose for any offence, a larger penalty than twenty-five dollars, unless the same be expressly authorized, and from any judgment of the Mayor for any penalty which is imposed or allowed to be imposed by this act, or for other cause of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeals from the judgment of a Justice of the Peace.

Mayor's fees. Private Acts 1856-'57, chap. 98, sec. 78.

SEC. 92. That the Mayor shall be entitled to the following fees in cases herein enumerated, whereof he may have jurisdiction as Mayor: for every warrant issued by him for the recovery of any penalty or for other cause of action, twenty-five cents; for every judgment rendered thereon, one dollar, to be taxed among the costs; for every warrant issued by him as Mayor to apprehend an offender against the criminal laws of the State, under which he may be arrested and recognized to appear before a Court of Record, one dollar, to be taxed, on submission or conviction of the offender, among other costs;

for every warrant to arrest individuals who may have fled from other States or counties, two dollars, to be paid on removal of offender by such as may convey him away; for the use of the City seal for other than City purposes, one dollar; for every certificate for other than for City purposes, fifty cents.

Persons may be compelled to work on streets. Pub. Acts 1866-'67, chap. 13, sec. 1

SEC. 93. [That in all cases where judgments may be entered against any person or persons for fines or penalties, according to the laws and ordinances of any incorporated town, and the person or persons, against whom the same is adjudged, refuses or is unable to pay such judgment, it may and shall be lawful for the Mayor before whom such judgment is entered, to order and require such person or persons so convicted, to work on the streets or other public works until, at fair rates of wages, such person or persons shall have worked out the full amount of the judgment and costs of the prosecution.]

Penalties under ordinances herein repealed. Priv. Acts 1866-'67, chap. 92, sec. 81.

SEC. 94. That no offence committed and no penalties and forfeitures incurred under any of the acts or ordinances hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, except that when any punishment, penalty or forfeture shall have been mitigated by the provisions of the act, such provisions may be extended and applied to any judgment, to be pronounced after the repeal: *Provided*, That no suit or prosecution pending at the time of the repeal for any offence committed, or for any penalty or forfeitures incurred under any of the acts or ordinances hereby repealed, shall be affected by such repeal: *Provided further*, That no law heretofore repealed, shall be revived by the repeal of any act repealing such law: *And provided lastly*, That all persons who, at the time when the said repeal shall take effect, shall hold any office under any of the acts hereby repealed, shall continue to hold the same according to the tenure thereof, except those offices which may have been abolished, and those as to

Proviso.

Officer holding.

which a different provision shall have been made by this act.

May convey lands, &c. Private Acts 1856-'57, chap. 98, sec. 85.

SEC. 95. That the City of Raleigh may convey lands and all other property which is transferable by deed, by deed of bargain and sale or other proper deed, sealed with the common seal, signed by the Mayor and two members of the corporation, and attested by a witness.

City property sold at public outcry. Public Acts 1872-73, chap. 112, sec. 1 and 3.

SEC. 96. [That the Mayor and a majority of the Commissioners of any incorporated City, town or village in the State shall have power, at all times to sellat public outcry (after thirty days' notice,) to the highest bidder, any property, real or personal, belonging to the City, and apply the means as they may think best. The Mayor of any village, town or City, &c., is fully authorized to make title to any property sold under this act. Battle's Revisal, Chapter 111, Sec. 35 and 37.]

Violations of any ordinances, a misdemeanor. Pub. Acts 1871-72, chap. 195, sec 2.

SEC. 97. That any person or persons, violating any ordinance of the City, shall be deemed guilty of a misdemeanor, and shall be subject to the provisions of chapter one hundred and eleven of Battle's Revisal, entitled "Towns."

City debts. Public Acts 1870-71, chap. 99, sec. 1.

SEC. 98. [Debts contracted by a municipal corporation in pursuance of authority vested in it, shall not be levied out of any property belonging to the City and used by it in the discharge and execution of its corporate duties and trusts, nor out of the property or estate of any individual who may be a member of such corporation or may have property within the limits thereof. But all such debts shall be paid alone by taxation upon subjects properly taxable by such corporation; *Provided however*, that whenever any individual by his contract, shall become bound for such debt, or any person may become liable therefor by reason of fraud, such person may be subjected to pay such debts according to the course of the law in other cases. Battle's Revisal, chap. 111, Sec. 32.]

Officers shall turn property over to successors. Public Acts 1870-'71, chap. 177, sec 1.

SEC. 99. [All municipal officers, Mayors, Aldermen, Commissioners, and tax Collectors of any town or City, who shall on demand, fail to turn over to their successors in office, the property, books, moneys, seals, or effects, of such town or City, shall be deemed guilty of a misdemeanor, and upon conviction, before the Superior Court of the County in which said town or City is located, shall be imprisoned for not more than five years, and fined not exceeding one thousand dollars, at the discretion of the Court.

Tax lists to be surrendered. Public Acts 1870-'71, chap. 177, sec. 2.

SEC. 100. All tax lists, which have or may hereafter be placed in the hands of the Tax Collector, shall be, at all times, subject to the control of the authorities imposing the tax, and subject to be corrected or altered by them, and shall be open for inspection by the public, and, upon demand of the authorities imposing the tax, or their successors in office, shall be surrendered to the authorities for such inspection or correction, and if the Tax Collector fail or refuse to surrender his list upon such demand, he shall be deemed guilty of a misdemeanor, and upon conviction, be subject to the penalties imposed by the preceding section. Battle's Revisal, Chapter 111, Sec. 33 and 34.]*

Board forbidden to use money to prevent ratification, &c., of charter. Acts 1874-'75, chap. 140, sec. 1.

SEC. 101. [The Board of Commissioners or other authorities of any City or town in this State, be, and they are hereby forbidden to appropriate or use the moneys, of funds of such City or town, for the purpose of preventing the ratification or acceptance or carrying into operation of any Charter or Amendment to any Charter enacted by this General Assembly.]

Borrow money. Priv. Acts 1870-'71, chap. 25, sec. 7.

SEC. 102. That the Board of Aldermen may borrow money only by the consent of a majority of the qualified registered voters, which consent shall be obtained by a vote of the citizens of the corporation after thirty days, public notice, at which time, those who consent to the

*See Note to Section 54.

same shall vote "approved," and those who do not consent shall vote "not approved."

Claims to be presented within two years after maturity. Public Acts 1874-'75, chap. 243, sec. 1.

SEC. 103. [That all claims against the several Counties, Cities and towns, of this State, whether by bond or otherwise, shall be presented to the Chairman of the Board of County Commissioners, or to the chief officers of said Cities and towns, as the case may be, within two years after the maturity of such claim or claims, or the holders of such claim or claims shall be forever barred from a recovery thereof: *Provided*, That all claims which have already matured and become due shall be presented on or before the first day of January Anno Domini one thousand eight hundred and seventy-seven, or the holders thereof shall be forever barred of a recovery thereof.

Registry of claims. Pub. Acts 1874-'75, chap. 243, sec. 2.

SEC. 104. That it shall be the duty of the Chairman of the Board of County Commissioners of the several Counties or the chief officers of the several Cities and towns to cause the nature, amount, date and time of maturity of all claims so presented to be recorded in a book kept for that purpose, and to be called "The Registry of Claims."]

May issue bonds. Priv. Acts 1868-'69, chap. 44, sec. 1.

SEC. 105. That for the purpose of paying the present indebtedness of the City of Raleigh, and also for meeting the expense of improvements to be made for the same, the said City is hereby authorized and empowered to issue bonds severally of such sums or denomination, payable at such time or times respectively, drawing interest at such rate, not exceeding eight per cent. per annum, payable half yearly, of such form and tenor, and transferable in such way as the Board of Aldermen of said City shall deem most judicious. The said bonds so to be issued, shall be disposed of upon the best terms practicable: *Provided*, That said bonds be of the denomination of one hundred, and five hundred, and one thousand dollars respectively, and in such proportion as may be deemed ad-

visable: *And provided further*, That said loan shall not exceed fifty thousand dollars, and the bonds having twenty years to run.

Payment of principal and interest. Private Acts 1868-'69, chap. 44, sec. 2.

SEC. 106. That the Board of Aldermen of the City of Raleigh are hereby authorized and empowered, and it shall be their duty to provide for the payment as well of the principal money, as also of the accruing interest of the bonds to be issued under the power granted in the preceding section, by annually laying particular taxes for these special purposes, on all the persons and subjects of taxation on which said Board of Aldermen now are or hereafter may be authorized to lay taxes for any purpose whatever, and such taxes shall be collected and specially and exclusively applied to the satisfaction and discharging of the interest, and also of the principal money of such bonds, and so much thereof as may not be annually required to pay such interest, and cannot be applied in discharge of the principal money of said bonds, shall be so invested as to secure the payment of such principal money upon maturity of said bonds. For the purpose of answering the due investment of the amount to be collected from year to year, and applicable to the payment of principal money of said bonds, the Board of Aldermen aforesaid shall appoint some suitable person to be styled "Commissioner of the Sinking Fund of the City of Raleigh," whose duty shall be, under such general rules and regulations as said Board of Aldermen shall, from time to time prescribe, to make investments of so much of the taxes collected as aforesaid as shall be applicable as aforesaid to the payment of the principal money of said bonds, and to do and perform all such other services in connection with the debt of the City of Raleigh, as said Board of Aldermen may prescribe, and such Commissioner shall give bond, and receive such compensation for his services as said Board of Aldermen may determine.

Commissioner of Sinking Fund. See sec. 7.

Bond.

When bonds to be disposed of. Priv. Acts 1868-'69, chap. 44, sec. 3.

SEC. 107. That none of the bonds authorized to be issued by the 106th section of this act, shall be disposed of either by sale, exchange or otherwise, for any purpose whatsoever, other than that declared in said section; nor shall any of said bonds be applied either by sale, exchange or otherwise, in satisfaction, discharge or renewal of any one of the class of debts referred to in said section, until such debt shall have been first duly audited and approved by the Board of Aldermen of the City of Raleigh.

To be submitted to qualified voters. Private Acts 1868-'69, chap. 44, sec. 4.

*SEC. 108. The provisions of this act [sections 106, 107 and 108] shall be submitted to a vote of the qualified voters of the City of Raleigh at an election to be held at the Court House in said City at a day to be designated by the Aldermen thereof, which shall not be less than thirty days after the ratification of this act. Those approving the provisions of this act, shall deposit in the ballot-box, a slip folded, containing the printed or written word "approved." Those disapproving the same, shall deposit a like ballot with the words "not approved." If a majority shall vote "approved," it shall be deemed and held that a majority of the qualified voters are in favor of giving the Aldermen authority to issue the bonds of the City as mentioned in this act, and like wise to levy and collect the necessary taxes to pay the interest and principal of said bonds as above mentioned. If a majority of said voters shall vote "not approved," then this act shall be of no effect. Those qualified to vote for Mayor and Aldermen of said City and none others, shall be allowed to vote, and the election shall be held and returns made, under such rules and regulations as exist in case of election of civil officers. It shall be the duty of the Mayor to cause a copy of this act to be posted at the Court House door, and to be published in the Raleigh *Standard* and *Sentinel* daily, for twenty

*N. B.—This issue of bonds has been submitted to a vote of the qualified voters and a majority voted "approved."

days preceding the election, and he shall publish in like manner, a notice of the election. Public notice shall be given of the result of the election. The Aldermen shall have power, consistently with the law of the State, to provide for the registration of voters, and to take all measures necessary and proper for holding the election as contemplated in section.

APPENDIX

(1.) "ACT TO AUTHORIZE INCORPORATED TOWNS AND CITIES TO ESTABLISH SYSTEMS OF PUBLIC SCHOOLS.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Mayor, Intendant or other chief officer of any City or incorporated town of the State, shall be authorized to take the sense of those qualified to vote, in the town or City elections, as to the propriety of establishing one or more Public Schools to be supported by the taxes collected or authorized to be collected for corporation purposes; and the said Mayor, Intendant or other Chief officer shall give public notice of said election in the papers published in the corporation, and if there be none, by posters, in three public places in each ward, at least twenty days before the election. And the Mayor, Intendant or other Chief officer, shall make known the result of said vote by public proclamation, and shall cause the whole proceedings to be recorded by the Clerk of the Corporation.

SEC. 2. *Be it further enacted,* That if a majority of the votes given in any election, held as above, shall be in favor of Public Schools, the Mayor, Intendant or other Chief officer of the corporation, shall cause an election to be to be held for School Commissioners, one of whom shall be chosen for each ward of the corporation, and from those entitled to vote in the elections of the corporation; of which election the Mayor or other Chief officer shall give ten days notice, in three public places in each ward, and the said Commissioners, after the election, shall hold their offices until the succeeding day for the election of town officers, and until their successors are chosen, and

every succeeding election for School Commissioners shall be on the day for the election of Mayor or Intendant, and for one year, and until their successors are chosen.

SEC. 3. *Be it further enacted*, That the Commissioners so elected, with the Mayor, Intendant or other Chief officer of the corporation, shall constitute a board, of whom the Mayor or other Chief officer of the corporation shall be *ex-officio* Chairman, whose duty it shall be to manage the whole system of Public Schools of the corporation, to select and engage buildings for the said Schools, to determine the number and character of the Schools, to employ teachers, appoint visitors, and to do such other acts as are neccessary to the success of the Schools and consistent with the purposes of this act, and every such Commissioner, who shall accept an appointment, as such, and fail to discharge the duties of his office, shall forfeit and pay a fine of ten dollars, to be collected as other penalties, and paid to the Town Treasurer, for the use of the Public Schools.

SEC. 4. *Be il further enacted*, That in every town or City in the State voting in favor of Public Schools, the Mayor, Intendant or other Chief officer, shall call a meeting of the authorities of said corporation, and cause to be prepared for the Board of School Commissioners, a statement of the amount appropriated by said authorities for Public Schools, and such a statement shall be annually furnished to the Board of School Commissioners within five days from their election.

SEC. 5. *Be it further enacted*, That the authorities of Cities and incorporated towns, establishing Public Schools according to the provisions of this act, shall be required to set apart all the funds of said corporation that can be spared from other purposes, required by their charters and laws passed in accordance herewith [therewith], for educational purposes, and in addition to the powers of taxation, with which they are already invested, they

shall be authorized to levy and collect a poll tax on every [white] male inhabitant of the corporation, over twenty-one years old, of not more than two dollars, to be wholly appropriated to the use of the Public Schools.

SEC. 6. *Be it further enacted*, That the Treasurer of the corporation establishing a system of Public Schools according to the act, shall be Treasurer of the School fund, liable on his bond for it, that he shall keep said fund and its accounts separate, and shall make an annual report in regard to the receipts and disbursments of School moneys, at the time and under the regulations in force when he rendered his statement of other public funds, and all payments for the Schools shall be made on drafts, signed by the Chairman of the Board of Commissioners, countersigned by the Clerk or Secretary.

SEC. 7. *Be it further enacted*, That the Clerk of the town or City, establishing a system of Public Schools, shall be *ex-officio* Secretary of the Board of School Commissioners, and shall discharge the duties of such under a penalty of ten dollars for every failure, to be collected as other fines and paid to the School fund; and if there be no such Clerk in the corporation, the Board of School Commissioners shall elect one of their own number Secretary, and it shall be the duty of the Secretary to attend all meetings of the Board, to record its proceedings in a book kept for that purpose. to issue notices, countersign warrants, and have his records open to the public inspection, and he may receive for his services such compensation as the Board may allow.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Board of School Commissioners in every town or City, to number the [white] children of the corporation between the ages of 6 and 21, and as soon as they receive a statement of the amount of money appropriated on Schools for any one year, to provide first for primary Schools for all the children who need them, and if, after such provision,

there be other funds, they may be used for Schools of higher grade, and all the white children of the corporation, between the age of 6 and 21 shall be entitled to enter the Public Schools which they are qualified to enter: *Provided*, that the grades in the School shall regularly ascend, and the School Commissioners shall be required to establish the lowest first, and next the Schools of the next higher grade, and so on upward.

SEC. 9. *Be it further enacted*, That the School Commissioners of each corporation shall make a quarterly statement, to the town or City authorities, of the condition of the Schools, and to be filed with corporation records, and annually one month before the expiration of their term of office, shall make a detailed report of all the operations, stating the number of [white] children in the corporation between the age of 6 and 21, the sums expended for School purposes, the number and grade of the Schools, the attendance on each, the salary paid Teachers, and other such facts concerning the Schools as may be important, which report shall be published, before the next election, in the paper of the corporation, and if there be none such, in pamphlets or hand-bills, and a copy shall be filed with the Secretary of the Board, and one, authenticated by the seal of office of the Clerk of the County [Superior] Court, sent to the Governor of the State.

SEC. 10. *Be it further enacted*, That the authorities of every corporation establishing a system of Public Schools, shall be authorized to receive, buy, lease, sell and convey for School purposes, real and personal property: to hold such property in trust for the Schools, and to sue for injuries or trespass on the same.

SEC. 11. *Be it further enacted*, That this act shall be in force from and after its ratification.

Acts 1866–'7, chap. XIV. *Ratified February 28th*, 1867.

(2.) "AN ACT TO PROTECT THE CITY OF RALEIGH FROM ACCIDENT BY FIRE.

SEC. 1. That the City of Raleigh shall have power to issue and sell bonds of the corporation bearing a rate of interest not exceeding eight per cent., the denominations, description, (whether coupon or otherwise,) length of time to run and other incidents thereof to be determined by the Aldermen of said City, said bonds not to exceed in the aggregate fifteen thousand dollars: *Provided*, That said bonds shall not be sold at a discount greater than fifteen per cent.

SEC. 2. The proceeds of the sale of such bonds shall be applied to the making of at least thirty cisterns in said City, to be located at such points as the Aldermen may determine, the same to be used for the purpose of holding a supply of water ready for the extinguishment of fires.

SEC. 3. It shall be the duty of the Aldermen of the City of Raleigh to levy and collect an annual tax on real and personal property, sufficient to pay the amount of interest on said bonds, and also to create a sinking fund sufficient to discharge the principal in twenty years.

SEC. 4. Three Trustees shall be elected by the Aldermen, none of whom shall be a Alderman, and each of whom shall be the owner in his own right of at least two thousand dollars real estate unincumbered in the City, for the purpose of managing and investing the proceeds of the tax levied for creating the aforesaid sinking fund. The Tax Collector of the City shall pay over to said Trustees all the proceeds of said taxes, and said Trustees shall, from time to time, pay the interest on the said bonds, and the balance of said taxes they shall invest in bonds of the City of Raleigh or in United States bonds. The interest of such investment shall be invested likewise in like securities as fast as the same shall be collected.

SEC. 5. This act shall not go into operation until ratified by a majority of the property holders who are elec-

tors of the City of Raleigh, voting at an election to be held after the first Monday of May, one thousand eight hundred and seventy-one. Thirty days notice being given of said election, (a copy of this act accompanying said notification,) by advertisement in the Raleigh *Telegram* and *Sentinel* daily, and by posting at the Court House door.

Ratified, 4th April, A. D., 1871.

NOTE.—This act has never been submitted to the voters of the City, and its provisions are not yet in force. The word Aldermen has been substituted for the word Commissioners in the act.

ORDINANCES

OF THE

CITY OF RALEIGH,

REVISED BY THE CITY ATTORNEY,

AND ADOPTED

BY THE

BOARD OF ALDERMEN,

FEBRUARY 4, 1876.

CHAPTER I.

RULES FOR THE GOVERNMENT OF THE BOARD OF ALDERMEN OF THE CITY OF RALEIGH.

SECTION.

1. Board to meet once every month, &c.
2. Order of business.
3. Mayor to decide questions of order
4. Previous question, may be called by a majority.
5. Motion to adjourn.
6. Proposition to appropriate money, or new ordinance or rule, made only at regular meetings
7. Motion to reconsider, when allowed.
8. Ordinances, when in force.
9. Elections, how held.
10. Special Committees, how appointed.
11. Standing Committees, what and how chosen.

SECTION.

12. No member to continue standing after the Mayor has taken the chair.
13. Discussion confined to point in debate.
14. Order to be observed when the question is being put
15. When motions to be entertained, and order of precedence of same.
16. When question divisible.
17. Amendments and substitutes, when allowed.
18. Reports of Committees, how made.
19. Applications and petitions, through whom made, and how received.

SEC. 1. There shall be a regular meeting of the Board of Aldermen at the Mayor's office, on the first Friday night in each month, and on the last Friday night in April of each year: the meeting in May shall be on the Tuesday after the first Monday. The Mayor, or a majority of the Board, may call a special meeting in case of emergency, but no business shall be transacted at such meeting except that for which it was called. Nine members of the Board shall constitute a quorum. If a quorum fail to attend, the meeting shall stand adjourned to a day agreed on by a majority of the members present.

SEC. 2. When a regular meeting shall be organized, the order of business shall be as follows: 1st, Reading the proceedings of the last meeting, unless dispensed with by general consent. 2nd, Corrections, if any to be made.

3rd, Reports of Committees, and discussions on the same. (A.) Report of Street Committee. (B.) Report of Finance Committee. (C.) Reports of any Special Committees. 4th, Auditor's report. 5th, Report of Treasurer. 6th, Report of Clerk of the Market. 7th, Report of the City Marshal, which, in his absence, shall be made by the Assistant Chief of Police. 8th, Reading of communications by the Clerk. 9th, Unfinished business.

If the Board direct any matter to be the special business of a future meeting, the same shall have precedence over all other business at such meeting. No proposition shall be entertained by the Mayor until it has been seconded, and every proposition shall, when required by the Mayor or a member, be reduced to writing.

SEC. 3. The Mayor shall preserve order, decide all questions of order and appoint all Select Committees; but any member may appeal to the Board from the decision of the Mayor upon any question of order, and on such appeal no Alderman shall speak more than once without leave, or longer than three minutes.

SEC. 4. The previous question may be called at any time by a majority of the members present. The ayes and noes may be called by three members.

SEC. 5. A motion to adjourn shall always be in order, and shall be decided without debate.

SEC. 6. No proposition to appropriate money, to alter or repeal any ordinance or rule of the Board, or to enact any new ordinance, or to establish any new rule, shall be made or decided at any other than a regular meeting.

SEC. 7. No question decided by the Board shall be again brought forward at any subsequent meeting, except upon a motion for reconsideration made by some member voting with the majority. A motion to reconsider a vote shall not be in order, except at the same, or the succeeding adjourned meeting to that at which the vote is taken. *Provided*, that a vote or question may be reconsidered at any time by the vote of two-thirds of the Board.

SEC. 8. Every ordinance shall be in force from its passage, unless otherwise ordered.

SEC. 9. All elections by the Board shall be made by ballot if required by any two members present. A majority of the votes of all the members present shall be necessary to make an election or appointment.

SEC. 10. All Special Committees shall, unless otherwise ordered, be appointed by the Mayor, one from each Ward.

SEC. 11. The Standing Committees shall be as follows, one from each Ward, elected by the Board by ballot: Committee on Finance; Committee on Streets.

SEC. 12. After the Mayor has taken the Chair, no member shall continue standing, except to address the Chair.

SEC. 13. Speakers shall rise to address the Chair, and shall confine themselves to the point in debate.

SEC. 14. When the Mayor is putting any question, the Aldermen shall continue in their seats, and shall not hold any private discourse.

SEC. 15. When a question is under consideration, no motion shall be received, except as follows: To lay on the table; to postpone to a time certain; to postpone indefinitely; to refer to a Committee; to amend; to divide; and motions for any of these purposes shall have precedence in the order named. A motion to adjourn, and to lay on the table shall always be in order, and shall be decided without debate; and of these, the motion to adjourn shall take precedence: But no motion to adjourn or to table shall be entertained while the Board is voting, or immediately succeeding the same motion; some intervening business must have been transacted.

SEC. 16. If a question under discussion contains several distinct propositions, the same shall be divided at the request of any member, and a vote taken separately; but a motion to strike out and insert shall be indivisible.

SEC. 17. All amendments shall be considered in the order in which they are moved. When a proposed

amendment is under consideration, a motion to amend the same may be made. No further amendment to such second amendment shall be in order. But when an amendment to an amendment is under consideration, a substitute to the whole matter may be received. No proposition on a subject different from the one under consideration shall be received under color of a substitute.

SEC. 18. The reports of all Committees shall be in writing, and shall be received, of course, without motion for acceptance. All reports recommending or requiring any action or expression of opinion by the Board shall be accompanied by a corresponding resolution.

SEC. 19. All applications and petitions to the Board shall be read and laid on the table as a matter of course, subject to any motion which an Alderman may think proper to make. All such applications and petitions shall be presented through the Clerk of the Board.

CHAPTER II.

CONCERNING THE STREETS AND THE STREET COMMISSIONER.

SECTION.
1. Street Commissioner, election, and bond.
2. Duties of Street Commissioner.
3. Footways to be kept clean, and gutters open.
4. Cellars to be kept in repair.
5. Public wells, cisterns and pumps.
6. Encroachments on the streets.
7. Brick, stone, &c., on the streets.
8. Coal and wood on Fayetteville street
9. No goods to be sold on sidewalks.
10. Shade trees.
11. Fastening horses.
12. Feeding horses, &c., where prohibited.
13. Deposits in streets prohibited.
14. Removal of dirt, &c. from streets, squares, &c. prohibited.
15. Sidewalks and foot-ways.
16. Drays not to be driven out of a walk.
17. Fast riding and driving prohibited.
18. Vehicles not to be stopped on footways.
19. Games, and throwing missiles prohibited.
20. Bridges, culverts and drains.
SECTION.
21. Vehicles not to stand in the streets.
22. Watering horses at public pumps forbidden.
23. Cisterns.
24. Shade trees to be trimmed.
25. Fire-arms, fire-works, &c.
26. Defacing signs, &c. forbidden.
27. Auctions on Fayetteville Street prohibited.
28. Building in the lines of old streets forbidden.
29. New streets to be opened immediately after assessment.
30. No work except repairs to be entered upon without the consent of the Board.
31. All supplies to be bought upon requisition.
32. Work to be examined.
33. Street Commissioner to have charge of pumps.
34. Storage of cotton.
35. Report of Street Commissioner.
36. Defendants may be sentenced to work on the streets.
37. Chain-Gang.
38. Penalties herein imposed to be recovered before the Mayor.

SEC. 1. At the first regular meeting of the Board of Aldermen in May of each year, or as soon thereafter as may be determined by the Board, there shall be elected by the Board of Aldermen a Street Commissioner, who shall hold his office for one year, and until his successor shall be duly elected and qualified. He shall give bond in the sum of Three Thousand Dollars, payable to the City of Raleigh, and conditioned for the faithful performance of his duties. His rate of compensation shall be determined by the Board.

SEC. 2. The Street Commissioner shall employ and superintend all the laborers required by the City to work

upon the streets and other public works. He shall report to the Street Committee each week the time that each employee has worked, the cost of the labor and material, and all other expenses incurred by him on account of the City. He shall further perform all the duties imposed upon him in this chapter, and which may hereafter be imposed by the Board.

SEC. 3. Every occupant of a lot on any street shall keep the footway clean and the gutter open and free from obstruction, as far as such lot extends. If any rubbish, dirt, ashes or any other thing be placed or left, without lawful authority, upon such footway or in such gutter, the occupant of such lot shall remove the same; if twelve hours elapse after notice by the City Marshal, or by the Street Commissioner, or by an Alderman, without such removal, the occupant shall forfeit five dollars.

SEC. 4. Every owner of a house on a street which has a cellar door or vault in a public footway, shall keep the same in good repair. If he shall, after being notified so to do by the Mayor, or by a member of the Committee on Streets, or by the Street Commissioner, or by the City Marshal, either in person or through a Policeman, fail, for the space of three days, to repair the same, he shall forfeit five dollars; and every day that shall elapse thereafter, until the repair is made, shall constitute a distinct offence. If there be several owners of such house, it shall be sufficient to give the said notice to any one of them. If the owner be a non-resident, the notice may be given to his agent or to the occupant of the house.

SEC. 5. If any person shall throw filth or rubbish of any kind into any of the public wells, or cisterns, or in any manner injure the public pumps, he shall forfeit five dollars.

SEC. 6. No citizen of Raleigh shall encroach upon the streets by erecting any piazza, porch, stoup, paling, chimney or other building, on pain of being compelled to re-

move the same, or to pay such annual tax as may be imposed by the Aldermen.

SEC. 7. No brick, stone, wood or other substance obstructing the streets, shall be suffered to lie in the streets of the city; and no person shall place in any street or alley, or upon any sidewalk, any boxes, casks, crates, barrels or other obstructions: *Provided, however*, That building material, earth and other obstructions of like character may, by permission of the Mayor in writing, be allowed under such restrictions as he may impose. Every person offending against these provisions shall forfeit and pay five dollars for each and every offence, and a like sum for each and every day that such obstructions are permitted to remain.

SEC. 8. No wood or coal shall be allowed to remain on Fayetteville street for a longer period than thirty-six hours after said coal or wood shall have been delivered to the person ordering the same; in case of a violation of this section, a penalty of five dollars shall be imposed upon the party or parties ordering the same for each day the said coal or wood may remain on the said street.

SEC. 9. No produce, merchandise, cooked provisions, poultry, fruits, vegetables, or other commodity, shall be kept exposed for sale, in or upon any sidewalk, alley or gutter in the City, nor shall any stand be placed thereon for such purpose. All persons violating these provisions shall forfeit and pay five dollars for each offence.

SEC. 10. The citizens may plant trees in front of their lots at the distance of twelve feet from the line of the street. If any person shall cut or destroy such tree without permission from the Board of Aldermen, he shall forfeit twenty dollars.

SEC. 11. No person shall fasten a horse or other animal to any fence enclosing any of the public squares, under a penalty of three dollars for each offence.

SEC. 12. If any person shall feed any horse, mule or other animal on any street except in the vicinity of the

Railroad Depots, and on Hargett Street between Fayetteville and Wilmington Streets, on Martin Street between Fayetteville and Wilmington Streets, and on Wilmington Street, or shall hitch any of said animals to any shade tree in the City, or to any post within four feet of the footway, he shall forfeit five dollars for every offence.

SEC. 13. All persons are prohibited from depositing any dirt taken from any cellar or other place upon any of the streets or public squares in the City of Raleigh, without the permission or consent of the Street Commissioner, under a penalty of twenty dollars for each and every offence.

SEC. 14. No person shall remove any sand or dirt from the streets, or loam or clay from any square or lot belonging to the City or the State, either within or beyond the limits of the corporation, under a penalty of five dollars. It shall be the duty of the officers of the City to report to the Mayor any breach of this ordinance immediately.

SEC. 15. No person shall lead, ride or drive any horse or other animal upon any footway except such part of it as lies directly between the carriage-way and the entrance to an adjacent lot, and only for the purpose of going into or out of said lot; nor shall any person place on the footway of any public street any wheelbarrow, hand-cart, hand-carriage or other vehicle, except in passing directly across the footway into or out of a house or lot, under a penalty of four dollars for each offence: *Provided*, That nothing in this section shall prevent the use, on such footway, of a hand-carriage to carry an infant or invalid.

SEC. 16. No person shall drive any dray, cart or wagon in any public street out of a walk; nor shall the driver of any vehicle on any street wantonly crack his whip to the annoyance of others, nor suffer his vehicle to stand or pass on any street without holding the reins, except in the case of a wagon, cart or dray while delivering or re-

ceiving a load. When vehicles meet, each shall go to the right; and if any vehicle passes another, it shall pass on the right. Any person offending against any provision of this section shall forfeit five dollars for each offence.

Sec. 17. No person shall ride or drive any horse or other animal in any street faster than an ordinary trot, nor break any horse or other animal, nor try any unbroken horse or other animal in any street, under a penalty of ten dollars for each offence.

Sec. 18. No person shall stop any vehicle on a footway or flagged crossing for foot passengers, under a penalty of one dollar for so stopping, and of twenty-five cents for every five minutes he shall remain after notice to move off: *Provided*, The driving a cart or wagon on the footway to deliver wood or coal shall not be deemed a violation of this ordinance, if the same is delivered without delay, and the wagon is removed from the f otway, as soon as the wood or coal is delivered.

Sec. 19. All games of every description, and throwing stones or other missiles, are forbidden in the streets and sidewalks of the City, and every person offending against this section shall forfeit and pay five dollars for each and every offence.

Sec. 20. Any person who shall injure any bridge, or other property belonging to the City, or place any obstruction in any culvert, drain or sewer, public or private, shall forfeit ten dollars. And if he fail to remove the same for twelve hours after notice by the Mayor, or Street Commissioner, or one of the Street Committee, every day that shall elapse thereafter without such removal, shall constitute a distinct offence.

Sec. 21. No wagon, cart, carriage, buggy or other vehicle shall be permitted to stand in any street when not in use by the owner, under a penalty of four dollars for each offence, and the City Policemen are hereby directed to be strict in the enforcement of this section; and no

wood-wagon shall stand on Fayetteville Street in front of the Market House.

SEC. 22. No person shall take water from a public pump in a barrel, nor water a horse at a public pump, under a penalty of four dollars for each offence. And if any person shall wilfully or negligently, by unreasonable, violent use, or otherwise, injure any public well or pump in the City, he shall forfeit and pay ten dollars; and the City Police are instructed to use special diligence to carry this order into effect.

SEC. 23. The cisterns shall be under the charge of the Fire Commissioners of the Fire Division in which they are situate, whose duty it shall be to keep them filled with water to be used only in case of fire.

SEC. 24. The Street Commissioner shall notify all persons having trees in front of their lots to have them properly trimmed. If the owner or occupant refuse, or delay compliance more than five days, they shall be trimmed under the superintendence of the Street Commissioner, the expense thereof to be charged to the owner or occupant of said lot, to be recovered by warrant before the Mayor.

SEC. 25. Any person who shall shoot off any gun or other fire-arm, or shoot off or have any rocket, pop-cracker or other fire-works, or any combination of gun-powder, in any street or footway, or shoot off any gun or other firearms within fifty yards of any street, or shoot off any gun or fire-arms charged with ball or shot or any other deadly thing within two hundred yards of any habitation within the city, except in cases of necessity, shall forfeit ten dollars for each offence: *Provided*, Nothing herein contained shall prohibit the exhibition of fire-works on occasions of public rejoicing.

SEC. 26. Any person who shall injure or deface any sign or sign-post belonging to another, or any lantern, lamp or lamp-post, or the works or machinery of another

person, or pollute any spring or well of water belonging to another, shall forfeit ten dollars.

SEC. 27. No auction shall be held on Fayetteville street. Any person violating this section shall forfeit ten dollars for each offence.

SEC. 38. All persons are forbidden to build within the line of any of the old streets of the City extended.

SEC. 29. Whenever streets shall have been ordered to be opened, and an assessment shall havebeen duly made according to law and approved by the Board, the Street Commissioner shall open the same so as to give the right of way to the public, even if he is unable to grade them at the time.

SEC. 30. Neither the Street Commissioner nor the Street Committee shall be allowed to enter upon any work except ordinary repairs, without the previous consent of the Board; and whenever any work is proposed to be done, a detailed estimate of the cost thereof shall be submitted to the Board.

SEC. 31. The Street Commissioner shall in all cases make a requisition upon the Mayor for all supplies wanted in his department, and if approved, the Mayor shall direct the Clerk to issue an order for the articles wanted. The Clerk shall prepare the proper blanks for requisition, subject to the approval of the Mayor.

SEC. 32. No account for work by contract shall be allowed until the work so contracted for shall be examined by the Street Commissioner, who shall certify to the Board whether the same is done as described in the proposals.

SEC. 33. The Street Commissioner shall take charge of the pumps of the city, and keep the same in order; and to that end he is authorized to employ a competent mechanic to keep the pumps in order, and to put in new stocks when necessary, and to do such other mechanical work when not working on the pumps as the Street Com-

missioner shall direct. The Street Commissioner is directed to purchase suitable tools for the repairing and keeping up the pumps of the city.

SEC. 35. The regulation of the storage of cotton is left to the discretion of the Mayor, who shall be empowered to make all such orders and rules as may be necessary to prevent the impeding of the sidewalks and streets by cotton, and to enforce the same by fine.

SEC. 36. The Street Commissioner shall report once a week to the Street Committee, and oftener if required by them. The Street Committee shall report every month to the Board the amount of work performed, the locality, and the character of the work and the quality of the labor employed, distinguishing skilled mechanic from common labor.

SEC. 37. In all cases where a defendant may be adjudged to be imprisoned, it shall be competent for the Mayor also to order that the said defendant work during the period of his confinement upon the streets and public works of the City.

SEC. 38. The City Marshal shall, under the direction of the Mayor, organize a chain-gang of such persons as shall be sentenced as aforesaid, or shall, in the discretion of the Mayor, provide some efficient and suitable means to prevent the escape of prisoners while at work: *Provided*, that in no case shall women, or boys under the age of fourteen, be placed in the chain-gang; nor shall any means be used to restrain said prisoners which shall be injurious to their health; *And, provided further*, In no case shall the time for which said prisoners shall be sentenced to work, exceed twenty-eight days.

SEC. 39. All the penalties imposed in this chapter shall together with the costs, be recoverable by warrant before the Mayor, and it shall be the duty of all the officers of the City to prosecute every violation of this chapter which shall come within their knowledge.

CHAPTER III.

CONCERNING THE PREVENTION OF ACCIDENTS BY FIRE.

SECTION.
1. Persons not to erect wooden buildings, where.
2. Chimneys to be built of bricks or stone.
3. Stoves, how built.
4. Chimneys not to be set on fire.
5. No shavings to be placed near any building.
6. No blacksmith or baker's shop to to be erected, where.
7. No shavings to be burnt in the streets.
8. Powder in store, how much.

SEC. 1. No person shall erect any building of wood or any wooden additions to any buildings on the squares in the City bounded by Morgan, Salisbury, Martin and Wilmington streets, nor shall any wooden building be removed from any other place to said squares; nor shall any person erect any wooden building within thirty feet of any brick or stone house other than his own without the permission of the owner; and if his own, he shall cover the same with a tile, slate or metal roof. Any person violating any provision of this section shall forfeit twenty-five dollars for every week such building shall remain, after notice to remove the same.

SEC. 2. No chimney shall be erected within the City of any other material than brick or stone. Any person offending against this section shall forfeit twenty-five dollars for the first month such chimney shall remain after notice given by the Mayor or City Marshal to remove the same, and four dollars for each succeeding month until it is removed.

SEC. 3. To every stove erected within the City there shall be an iron, stone or brick hearth extending at least one foot beyond the size of the stove, and the pipe to every such stove, if it pass through the wall or roof of the house, shall extend four feet from the same, shall have a cap or elbow placed over the end of it, and shall not be placed within eight feet of any building. It shall be the duty

of the City Constable, from time to time, to examine the stoves in the city; and if they are not constructed as required by this section, to give directions to have them so constructed. If they shall not have been altered, as directed, within one month after the direction was given, the owner shall forfeit ten dollars.

SEC. 4. If any person shall suffer his chimney to take fire so as to blaze out at top, (except in a snow or in rainy weather) he shall forfeit four dollars.

SEC. 5. No person shall deposit wood shavings in any place out of doors within thirty yards of any building, without consent of the Mayor. Any person so offending shall forfeit five dollars for each offence.

SEC. 6. No blacksmith's or baker's shop shall be erected in the city between Blount, Cabarrus, McDowell and Jones streets. Any person so offending shall forfeit twenty-five dollars; and for every month such prohibited building shall be kept up, a like forfeiture shall be incurred.

No new blacksmith's shop shall be erected within the City without the express permission of the Board.

SEC. 7. No shavings or other fuel shall be burnt in any street, except by blacksmiths for tiring wheels; nor shall any person carry fire out of doors unless under safe cover. Any person violating the provisions of this section shall forfeit five dollars for every offence.

SEC. 8. No merchant shall keep more than one keg of powder in his store, under a penalty of twenty-five dollars for each offence.

CHAPTER IV.

CONCERNING THE FIRE DEPARTMENT.

SECTION.
1. Mayor to organize Fire Companies.
2. Meeting of Fire Companies.
3. Duty of companies upon alarm of fire.
4. Duty of Captain to keep roll.
5. Captain to be present at meetings and at fires.
6. Power to call for help upon all persons.
7. Duty of Mayor in case of fire.
8. Election of Fire Commissioners. Duties.
9. Election of Chief Engineer. Duties.
10. Appointment of Assistant Engineer. Duties.
11. Organization of the companies.
12. Requirements of membership.
13. No liquors allowed in Engine House or at fires, except when.
14. Penalty for disobedience or neglect.
15. No company allowed to leave the city except by leave of Chief Engineer and of Fire Com'r.

SEC. 1. The Mayor shall forthwith, and hereafter in January in each year, take the necessary measures in pursuance to act of General Asssembly of 1826–'27, for organizing Fire Companies for this city, the said Companies to consist of fifty men each, (to be increased to one hundred, if necessary,) the first two to be known as Fire Companies Nos. 1 and 2, and the others as the Board of Aldermen may determine.

SEC. 2. It shall be the duty of the said Companies to meet at such time and place, at least quarterly, for exercise and inspection, as may be directed by the Captains of the several Companies, whose duty it shall be to cause notice to be given to their respective members.

SEC. 3. It shall be the duty of the said companies, upon the alarm of fire, to proceed at once to their respective engine-houses, and thence with their respective machines to the fire, where they shall be under the control and direction of their Captains respectively.

SEC. 4. It shall be the duty of the Captain of each company to keep a roll of the members of his company, which roll shall be called whenever the company may be ordered out for exercise, and also at every fire.

SEC. 5. It shall be the duty of the several Captains to be present at each meeting of their respective companies for exercise and at every fire, and to take the entire charge and direction of said companies at all times.

SEC. 6. During the continuance of any fire, the Chief Engineer, the Fire Commissioners, each of the Captains and the Mayor shall have power to call on any and all persons to assist in extinguishing the same, or in pulling down or blowing up any building, or in removing any building, or in removing any goods, wares, merchandise and furniture from any building on fire or in danger, to some place of safety. Any person failing to obey any order given for the purposes aforesaid, shall forfeit ten dollars: *Provided, however,* That no dwelling-house, store or warehouse shall be blown up, pulled down or in any way destroyed, without the advice and consent of the Chief Engineer or one or more of the Fire Commissioners.

SEC. 7. In case of fire it shall be the duty of the Mayor to attend and take charge of the Police Department; in case of the removal or exposure of property he shall detail a sufficient number of citizens, not members of the Fire Department, who shall constitute an auxiliary police force, whose duty it shall be, under the direction of the Mayor, to guard all exposed property and detain all suspicious and disorderly persons, and to do whatever may be lawfully done to protect the rights of the citizens and preserve the public peace. In case the Mayor is not present the duties above set out will be required of the Chief Engineer or of the Fire Commissioners.

SEC. 8. The City shall be divided into four Fire Divisions. That portion of the City north of Hargett street and east of Halifax and Fayetteville streets, shall be the First Division; the portion south of Hargett street and east of Fayetteville street, shall be the Second Division the portion south of Hargett street and west of Fayetteville street, shall be the Third Division; and the portion

north of Hargett and west of Halifax and Fayetteville streets, shall be the Fourth Division.

SEC. 9. The Board of Aldermen shall, during the month of May of each year, select four Fire Commissioners, one for each Fire Division, who shall serve for one year, and until their successors are duly elected and installed. The said Fire Commissioners shall be qualified by taking the oath of office, and shall have entire direction (under the control of the Board of Aldermen) of the Fire Department of the City, and shall make quarterly inspections of the companies, their machinery, engine-house and equipments, and shall report the condition of the same to the Board, with such recommendations as they think advisable. They shall also, as provided in Chapter II., sec. 23, have the control and supervision of the cisterns in the streets, and perform such other duties as the Board of Aldermen may from time to time direct.

SEC. 10. The Board of Aldermen shall, during the month of May in each year, elect a Chief Engineer of the Raleigh Fire Department, who shall have a general supervision of all the Fire Companies of the City. He shall hold his office for one year, and until his successor shall be elected and qualified. He shall report to the Fire Commissioners in writing semi-annually, giving a detailed statement of all the companies under his supervision, and shall perform all the duties herein imposed, or which may hereafter be imposed upon him.

SEC. 11. The Chief of the Fire Department shall, within ten days after he receives a notification of his election, appoint an Assistant Engineer. It shall be the duty of the Assistant Engineer to visit at least once a week the engine and truck-houses, and to ascertain if any repairs, etc., are needed, and to see that the houses, machinery, carriages, etc., are in good order. Whenever a fire shall occur in the city, it shall be the duty of the Assistant Engineer to repair immediately to the place of the fire,

carrying with him a badge of his office, and to report to the Chief. He shall take proper measures, under the direction of the Chief, to cause the engines and other apparatus to be advantageously arranged and effectively used; and he shall have power to call for assistance upon all persons present. In the absence of the Chief, he shall exercise all the duties of that officer.

SEC. 12. Each Fire Company shall elect or appoint its officers under its own rules and regulations. It shall be the duty of the Foreman or Captain of each Company to see that the engine or other apparatus committed to his care shall be kept neat and in order for immediate use. The Foremen or Captains shall keep order in their respective companies, and enforce a strict compliance with the City ordinances and rules of the Board of Aldermen. They shall keep full and exact records of their respective companies, specifying age, time of admission and discharge, and a full list of all the machinery and apparatus entrusted to their care. These records shall be kept in a book to be furnished them, and shall always be open to the inspection of the Chief or any one of the Fire Commissioners. The Foremen shall make monthly reports in writing to the Chief of the names of the members of their respective companies, and the condition of their apparatus and equipments, with an estimate of the articles required for the ensuing month. The Foreman of each company shall remain with his company when on parade or on duty, and shall be responsible for the conduct of his men.

SEC. 13. The members of the Fire Companies shall be not less than eighteen years of age, and residents of the City of Raleigh. They shall be exempt from poll tax as long as they remain active members of the Fire Department.

SEC. 14. No liquors thall be allowed in any engine or other house belonging to the Department, or at any fire

unless by the express order of the Chief and one or more of the Fire Commissioners, and any officer or member who may be intoxicated about any engine or other house used by the Department, or at any fire, shall be subject to dismissal.

SEC. 15. Any officer or member who shall wilfully neglect to perform his duty, or be guilty of disobedience to his superior officer, shall be liable to be removed from the Department by a two-thirds vote of the Fire Commissioners, or shall be liable to be fined at their discretion, not exceeding ten dollars: *Provided*, That this shall not take away from the companies the right to fine or expel their members under their own rules. In all cases of a fine exceeding five dollars, or of dismissal, an appeal may be taken to the Board af Aldermen.

SEC. 16. No company shall be permitted to leave the City with their apparatus unless permission be granted by the Chief and a majority of the Fire Commissioners.

CHAPTER V.

DISORDERLY HOUSES, DRUNKENNESS, GAMING TABLES, &C.

SECTION	SECTION.
1. Forfeits for keeping or renting houses of ill-fame.	3. Cursing, drunkenness, &c.
2. Police may demand admission.	4. Breaches of the peace.
	5. Gaming tables, prize boxes, &c.

SEC. 1. Every person who shall keep a disorderly house or house of ill-fame, within the limits of the city, and any person who shall knowingly rent any house to be used as a house of ill-fame, shall forfeit and pay ten dollars for every day the house is so kept; and all adult persons living in such house shall be considered the keepers thereof, and be subject to the penalties of this section.

SEC. 2. If the occupant of any disorderly house shall refuse to open his doors and give entrance to any officer of the City or members of the Police, demanding admission for the purpose of suppressing disorderly conduct therein, he shall forfeit ten dollars.

SEC. 3. Every person found guilty of loud and boisterous cursing and swearing in any street, house, or elsewhere in the City, and every person found drunk in the streets, alleys, or in any public place of the City, disturbing the peace of the City or violating the rules of decency, shall forfeit and pay five dollars for every offence; and all persons found lying drunk on the streets in the City shall be taken and lodged in the guard-house.

SEC. 4. If any person shall commit any breach of the peace, or engage in any riotous or disorderly conduct within the limits of the City, he shall forfeit and pay for the use of the City twenty-five dollars: *Provided*, That after conviction, and a judgment of said penalty, the Mayor shall have power, in his discretion, to remit any portion thereof, not exceeding twenty dollars: *And provided further*, That this ordinance shall not be construed to relieve the Mayor from the duty of binding over the offender according to law, if the offence is one properly triable before a higher Court.

SEC. 5. No roulette table, or other game in any manner resembling roulette, nor any other games of chance or adventure, whereby the purchase of any article depends upon chance, nor the sale of any prize boxes of candies or other things wherein the purchaser is promised or led to expect to receive anything over and above the articles purchased, shall be exhibited, take place or be made in any of the public streets of the City of Raleigh, under the penalty of twenty dollars for each offence, to be recovered by warrant before the Mayor. Whenever any Policeman or officer of the City sees any person violating this section, it shall be his duty to arrest the offen-

der at once and bring him before the Mayor to be dealt with under this section.

CHAPTER VI.

SUNDAY AND ITS OBSERVANCE.

SECTION.	SECTION.
1. Games and sports prohibited.	4. Duties of constables or policemen.
2. Unlawful assemblies on Sunday.	5. Barbers' shops.
3. Penalties for keeping stores open.	6. Barbers.

SEC. 1. No person shall be allowed to play at any game on Sunday within the limits of the City, on pain of forfeiting for every such offence ten dollars; and every proprietor of a billard-table, fives-alley or ten-pin alley, or other sport-ground, permitting any game to be played on Sunday, shall forfeit on conviction twenty-five dollars.

SEC. 2. Any person who shall, on Sunday, be present and aiding at any unlawful or disorderly assembly, or be found drunk in the streets, shall forfeit five dollars for every such offence.

SEC. 3. Any person who shall keep open any shop or store on Sunday, for the purpose of buying or selling, except in cases of necessity, shall forfeit twenty-five dollars; but Drug-Stores may be kept open at all times.

SEC. 4. It shall be the duty of the Policemen of the City to go over the whole City and surburbs at least two Sundays in every month, for the purpose of apprehending any person who may be found violating any of the laws or ordinances of the City, or of the State, and of ferreting out and bringing to justice all offenders against the peace and good order of society.

5. It shall not be lawful for the owner or proprietor of, or any employee in, any Barber Shop within the limits

of the City to open, or allow to be opened, the same for tonsorial purposes on Sunday. Any person violating this section shall be liable to a fine of twenty-five dollars for every violation proven, to be enforced by the Mayor.

SEC. 6. No barber shall be allowed to follow his trade or profession, whether in or out of his regular place of business, (except in cases of extreme illness or death) upon Sunday. For every violation of this section the offender shall be liable to a fine of twenty-five dollars, to be collected as other fines, upon the information of any officer or citizen. If complaint shall be made by any person other than an officer, one-half of the fine imposed in this and the preceding section shall be paid to the informer.

CHAPTER VII.

THE MARKET.

SECTION.

1. Where kept.
2. Assistant Chief of Police to be Clerk of the Market.
3. His duties.
4. No cider or liquor to be sold in Market.
5. Buying during market hours for resale prohibited.
6. Times of selling.
7. Corn meal to be sold by weight.
8. Fodder, &c., to be weighed at public scales.
9. Weigh-master, his duties.
10. Clerk of the Market to keep market weights and measures.
11. Shall test false weights and measures, when suspected.
12. No sales at auction on Square, unless permitted.
13. Sales of certain articles outside of Market prohibited.
14. Beef, veal, &c., not sold by steelyard weight.
15. Renters to keep clean stalls, &c.
16. Clerk to arrange carts and wagons at Market.
17. Fodder, shucks, wood, &c., excluded from Market Square
18. Clerk to rent out stalls yearly.
19. No re-renting allowed.
20. No person to be interested in more than one stall at the same time.
21. Clerk to collect rents.
22. Clerk to keep rules posted.
23. Clerk a Police officer.
24. Fish not to be soaked in Market.
25. Chief of Police to provide barrels for emptying garbage.
26. Fowl coops, number and dimensions.
27. Lights, when to be extinguished.

SEC. 1. The Market building and Square, wherein the same is located, shall be kept as a public market place.

Every day shall be market day, except Sunday; and the market hours shall be from 4 A. M. until 9 P. M. upon every market day, except Saturdays, and upon Saturdays from 4 A. M. until 10 P. M.

SEC. 2. The Assistant Chief of Police shall perform the duties of Clerk of the Market, retaining all his powers and authorities as a Policeman. He shall, before entering upon the duties of his office, give a justified bond in the sum of one thousand dollars, for the faithful performance of the same. His compensation shall be fixed by the Board.

SEC. 3. The duties of the Assistant Chief of Police, acting as Clerk of the Market, shall be to keep the Market-House and Square clean and decent, at the expense of the City; to inspect whatever is brought to market; to preserve good order therein; to rent out, under the direction of the Aldermen, the stalls, stands and benches, and collect the same for the benefit of the City; and to see that these regulations be, in all respects, strictly preserved. In case any meat or other article be offered for sale, which he shall deem unfit, unsound or unwholesome, he shall direct it to be withdrawn; and if this direction be not complied with, the person offering the objectionable article shall be subject to a fine of five dollars. And if any person attending said Market shall appear there intoxicated, or shall act in a rude and disorderly manner, he shall be taken before the proper authority, and on conviction of any such offence, be subject to a fine of five dollars. No person shall sleep or loiter in the Market-House under a penalty of five dollars, to be recovered by warrant before the Mayor.: and in case any person shall fail to leave the Market-House, and remove therefrom the article which he may have exposed there for sale, within fifteen minutes after the hour of closing the same, he shall be subject to a fine of five dollars.

SEC. 4. No person shall be permitted to expose to sale in the Market-House cider or other liquor used as a bev

erage; and any one exposing to sale in the Market-House or within twenty feet thereof any cider or such liquor shall forfeit ten dollars, unless by express permission of the Aldermen.

Sec. 5. Any person who shall, during market hours, buy in the Market, or elsewhere in the City, any article of provision usually sold at the Market, except wheat, corn, flour, bacon and lard, with intent to offer the same for sale again within the City, or elsewhere, shall forfeit five dollars for every such offence, to be recovered by warrant before the Mayor for the benefit of the City.

Sec. 6. No article of produce usually sold in market, except melons, shall be exposed to sale within the limits of the City before nine o'clock in the morning on any day during the year except at the Market House; and any persons purchasing such article or articles, either in person or through the agency of others, contrary to such restrictions, shall forfeit and pay five dollars for each and every offence. And no one buying to sell again shall receive within the hours forbidden any of the said articles, unless such articles shall come by way of Railroad.

Sec. 7. All corn meal sold within the limits of the City shall be by weight, and forty-six pounds thereof shall be considered equal to a bushel. Any person who shall sell meal contrary to said regulation, shall forfeit and pay for each bushel so sold one dollar, one-half of the said penalty for the benefit of the person prosecuting for the same, and the residue to be paid into the City Treasury.

Sec. 8. All fodder, oats, hay and other provender sold in this City shall be weighed at the public scales, and the Weigh-master shall give a certificate of the weight of the load, and also of the cart or wagon when unloaded; and if any person shall sell or buy any fodder, oats, hay or other provender which has not been weighed as herein directed, he shall forfeit five dollars for each offence.

SEC. 9. A Weigh-master shall be appointed by the Board of Aldermen on the first meeting in June in each year, or as soon thereafter as may be determined upon, who shall take charge of the scales and weigh all articles offered for sale, giving a correct certificate of the weight, signed by himself. He shall keep a correct account of the name of the seller, the weight of each load, and the charge for weighing. He shall charge for each load weighing less than five hundred pounds, fifteen cents; more than five hundred and less than one thousand pounds, twenty cents; over one thousand pounds, twenty-five cents; and shall have one-half the receipts for his services. He shall give bond, with approved security, in the sum of five hundred dollars, for the faithful performance of his duties; he shall settle with the Treasurer monthly, and in case he fail so to do, he shall forfeit his office.

SEC. 10. The Clerk of the Market shall keep at the Market a set of suitable scales and weights for weighing heavy articles, and a set for weighing light articles, and likewise a set of dry measures, all properly sealed, which shall be the standard weights and measures; said scales and weights shall be placed in some convenient part of the Market, and shall, under the control of the Clerk, be free for the use of buyers and sellers.

SEC. 11. The Clerk of the Market shall, when he deems proper, test by his standard the weight measure of any article sold or offered for sale at the Market, and if it be found that such weights or measures are below the standard, the person so offending shall forfeit a sum equal to the value of the article in question, and also the article itself, the same to be seized and sold for the benefit of the City.

SEC. 12. Any person who shall sell any property at public auction on the Market Square, during Market hours, without the consent of the Board of Aldermen

and the payment of five dollars for the privilege, shall forfeit ten dollars for every offence.

SEC. 13. The Clerk of the Market shall prohibit all sales of fresh meats and fish outside the stalls in the Market-House, under a penalty of ten dollars for each offence.

SEC. 14. Beef, veal, pork and other fresh meats, together with butter and lard, shall be sold by weight, but steelyards shall not be used for weighing them. Fruit and vegetables shall be sold by dry measure. Any person who shall sell contrary to this section shall forfeit one dollar for every such offence.

SEC. 15. Every renter of stalls or benches shall keep the same clean, by washing or scraping them off every day after Market hours. The entrails and offal of animals shall be secured from the air and screened from view. Any person who shall violate any provision of this section shall forfeit two dollars for every such offence.

SEC. 16. The Clerk of the Market shall cause every cart or wagon bringing any article to market, to be arranged in regular order on both sides of, or in front of the Market-House, as he may deem best, the rear of the cart or wagon being disposed for the greatest convenience to buyer and seller.

SEC. 17. It shall be unlawful for any person to bring into the Market-Square for sale any fodder, straw, shucks, hay or wood, under a penalty of five dollars for every such offence.

SEC. 18. The Clerk of the Market shall annually, in the month of January, under the direction of the Board of Aldermen, rent out publicly the fish and meat stalls and vegetable benches or stands in the Market-House, for one year, giving due notice of the time of renting by posters in the Market-House. All renters shall pay monthly in advance, and it shall be the duty of the Clerk of the Market to have vacated any stall where renters fail to comply with the provisions of this section.

19. Any person who shall re-rent or under-let any stall, bench or stand to another for a higher rate, shall forfeit twenty-five dollars for every such offence.

SEC. 20. No person shall be lessee of or interested in more than one stall at the same time.

SEC. 21. All rents shall be collected by the Clerk of the Market.

SEC. 22. The Clerk of the Market shall keep posted in a conspicuous place in the Market-House, printed copies of the rules, regulations, rates and penalties mentioned in this chapter. He shall keep books, with columns for each of said rates, in which he shall enter under the proper heads all moneys received. He shall render an account of all such moneys and of all fines and rents received by him, and pay over the same to the City Treasurer weekly, and in case of failure to do so, shall pay a fine of twenty-five dollars for every such offence.

SEC. 23. The Clerk being a Police officer, any person failing to obey his lawful orders shall forfeit five dollars.

SEC. 24. No fish-monger or other person shall soak fish within the Market or vicinity, and any person violating this ordinance shall be subject to a fine of ten dollars.

SEC. 25. It shall be the duty of the Clerk of the Market to have placed on the streets in front of the north and south doors of the Market House, a barrel at each door for the deposit of all garbage and refuse vegetables of the Market, and hucksters and stall-keepers are hereby required to deposit the same therein. A failure to conform to the provisions of this ordinance shall subject offenders to a fine of five dollars for each offence. The Clerk of the Market shall provide for the emptying and draining of the barrels daily.

SEC. 26. No person occupying City Market stalls shall be allowed to use but one fowl coop on the street in front of his premises, and no coop shall be allowed within the stalls. The dimensions of the coops shall be as follows:

three feet wide with legs two feet high. The owners of these coops shall be compelled to keep the same scrupulously clean. The same shall be under the supervision of the Clerk of the Market, and any person violating the provisions of this ordinance shall forfeit and pay a fine of ten dollars, to be collected on warrant by the Mayor, on the complaint of the Clerk of the Market, or of any citizen of the City.

SEC. 27. The lights in the Market (except those used by the fish sellers) shall be extinguished every night at 8 o'clock, except on Saturday night.

CHAPTER VIII.

METROPOLITAN HALL.

SECTION.
1. Renting, when and by whom.
2. Rates to be determined by circumstances.
3. Policemen to be present during exhibition.
4. Chairs, &c., not to be loaned.

SEC. 1. The time of renting shall be governed by circumstances, to be judged of by the Mayor acting for the Board; or when he may not act for any cause, whomsoever the said Board shall nominate.

SEC. 2. There are no fixed rates, but the rent shall be determined according to the nature of the use to which the Hall is to be put, or the design of the lessee, and shall be, at all times, reasonably low.

SEC. One or more Policemen shall be present at every performance to preserve order. No lady shall be admitted unless accompanied by a gentlemen, unless she be known as respectable.

SEC. 4. The chairs and other properties belonging in Metropolitan Hall shall not be loaned or hired outside the Hall.

CHAPTER IX.

NUISANCES.

SECTION.
1. No tan-yard or slaughter-house permitted.
2. Stagnant water in cellars.
3. Dead animals.
4. Privies.
5. Privies not to be exposed.
6. Privies, how located.
7. Sunken privies, how built.
8. Street Commissioner's duties in reference to privies.
9. Privies, when and how to be cleaned.
10. Paradise trees.
11. Dishwater and slops.
12. Throwing filth in streets, &c.
13. Hog-stys.
14. Stud-horses and Jackasses.
15. Hallooing, screaming, &c.
16. Indecent exposures.
17. Fish-mongers.
18. Consignees of guano or other manure to remove same, &c.

SEC. 1. No tan-yard or slaughter-house shall hereafter be established within the limits of the city. Those already in existence shall be moved within sixty days after notice, and any person failing to comply with this ordinance shall forfeit five dollars for every day such tan-yard or slaughter-house shall remain after notice given for its removal.

SEC. 2. Stagnant water in cellars or other places shall be removed on notice from the City Marshal, Street Commissioner, Mayor or an Aldermen to the person so offending, on pain of forfeiting five dollars for every day it shall remain after such notice.

SEC. 3. It shall be the duty of every occupant of a city lot to remove from the same any dead animal or other nuisance which may happen to be thereon, without the limits of the City, at least two hundred yards from the bounds thereof, and from any public road, and to bury the same, if it be a large animal, on pain of forfeiting twenty dollars.

SEC. 4. No privy shall be permitted to stand so near any public street as to be offensive to passengers, (they shall be at least ten feet from the street,) on pain of the owner or occupier of such property forfeiting ten dollars;

and if continued, after a conviction has taken place, five dollars for every day it shall remain; all privies to be effectually cleansed once every month; and within the first six days of May, June, July, August and September, annually, in order to prevent them from becoming offensive, their occupiers shall throw into them a sufficient quantity of lime or ashes, on pain of forfeiting for neglect five dollars.

Sec. 5. No privy within the limits of the city shall be suffered to remain exposed in such a manner as that a hog or pig can enter therein, under a penalty of ten dollars, to be collected by warrant: *Provided*, That in every instance the owner of such privy shall have received ten days notice from the City Marshal of his liability to such penalty, and he shall have failed to repair his lot accordingly.

Sec. 6. All new privies erected on any lot in the City shall be so located as to be an equal distance from the dwelling houses on the adjoining lot or lots, as they may be from the dwelling house on the lot where it is located. All privies now erected not sustaining such relative position as aforesaid shall be removed after five days notice from the City Marshal to the owners thereof, and if such removal is not made, the owner thereof shall pay five dollars for every day such privies remain unremoved. This section shall apply also to hog pens, and the Mayor is instructed to enforce the penalty herein prescribed each day the offence is committed.

Sec. 7. No privy shall be sunk in the ground within the City limits except under the following conditions:

1. The excavation shall not be more than ten feet in depth.

2. The bottom shall be of brick work one foot thick, laid in hydraulic cement.

3. The sides shall likewise be of brick or stone, laid in good hydraulic cement, and the whole plastered with cement and coated tight.

4. The ventilator to said privy shall open at least twenty-five feet from the surface of the ground.

All privies sunk in the ground not built according to the foregoing regulations shall be altered so as to be conformable thereto. Persons violating this ordinance shall pay five dollars for every day the offence shall be continued: *Provided*, That persons having privies sunk in the ground shall be allowed thirty days to alter the same.

SEC. 8. It shall be the duty of the Street Commissioner to see that the provisions of this ordinance are carried into effect, and after the expiration of thirty days, if the party shall refuse or neglect to alter his privy as required for ten days longer, it shall be the duty of said Commissioner to fill up said privy.

SEC. 9. All persons having their privies cleaned out within the City limits shall use a disinfectant, so as to deodorize the filth, and all cleaning shall be done between sunset and sunrise. All persons violating this section shall be fined not less than five dollars.

SEC. 10. The Street Commissioner shall notify all persons having Alanthus or Paradise trees on their lots to cut them down, and after the expiration of fifteen days, if the order shall not be complied with, the Street Commissioner shall cut them down and remove them.

SEC. 11. No person shall be suffered to convey out of his or her kitchen the dish-water and other slops into any of the streets of the City, on pain of forfeiting four dollars.

SEC. 12. Any one throwing filth in the streets, ditches, gutters, &c., from the jail, privies, or otherwise, shall forfeit ten dollars for every offence, one-half to go to the informant and the other half for the benefit of the City.

SEC. 13. No hog-sty shall be located within twenty-five feet of any public street within the City; and if any such sty shall be located contrary to the meaning of this ordi-

nance and the person offending fail to discontinue it within two days, on being notified by the proper authority, he shall forfeit five dollars, and five dollars for each day it may be allowed to stand.

Sec. 14. It shall not be lawful hereafter for any person to exhibit any stud-horse or jackass in the streets of the City, or to put any mare to a stud or jack within the limits of the City; and every person concerned in so putting a mare to a stud or jackass, or in aiding or assisting in putting them together, or in causing the same to be done contrary to this ordinance, shall, for every offence, forfeit the sum of ten dollars, to be recovered by warrant before the Mayor.

Sec. 15. Any person who shall be found guilty of loud hallooing, screaming or making any loud or extravagant noise (except in case of fire) in the City, either in the day or night time, shall forfeit five dollars.

Sec. 16. Any person who shall indecently expose himself in any place in open day, or do any obscene act in any public place, or write obscene language, or make obscene marks or drawings on any wall in any public place, or affix advertisements or bills to private houses, fences and posts, shall forfeit five dollars for every such offence.

Sec. 17. It shall be the duty of the City Policemen, under the direction of the Mayor or any Alderman, to investigate the condition of the privies, back yards and other places in the City, when the Aldermen may require it, and to notify the owner or tenant of the premises found in a filthy condition to cleanse the same. If they are not cleansed within five days after notice is given, the party in default shall forfeit ten dollars, and five dollars additional for each day such nuisance shall continue.

Sec. 13. Every consignee of guano or other manure or article offensive to the smell or detrimental to the public

health, shall, within five days after notice in any manner of its arrival at either Railroad Depot of the City, remove the same, and shall, if retained within the City, store it in such manner as not to be offensive to the neighborhood, or detrimental to its health: *Provided*, That if such consignee is a resident of, or has a place of business in the City, it shall be *prima facie* evidence that he has notice as aforesaid. Any person violating this section shall, after five days notice from the Mayor, through a Policeman, pay a penalty of twenty dollars for every day the nuisance shall continue.

CHAPTER X.

CONCERNING DOGS, HOGS AND OTHER ANIMALS.

SECTION.

1. Dogs to be listed.
2. Penalty for not listing.
3. Collector to prepare collars.
4. Owners of dogs to purchase and attach such collars to dogs.
5. Chief of Police to capture dogs not wearing collars, &c.
6. Chief of Police to rent lot to be used as pound, &c.
7. Dog or slut, the property of non-resident of the city, to be delivered without charge, &c.
8. Dog attached to vehicle not to be seized, &c.
9. Chief of Police to prepare instruments to capture.
10. Hogs not to run at large.
11. Loose hogs to be impounded and sold.
12. Excess over expense returned to owner.
13. Hogs, how redeemed.
14. Goats taxed.
15. Penalty for goats running at large.
16. Penal section.

SEC. 1. It shall be the duty of every person at the time of giving in his annual list of taxable property for the City, to declare on oath the number of dogs or sluts he may own, or which may belong to any person boarding or residing in his family.

SEC. 2. Should any person fail to give in his dog or slut, in the manner prescribed, he shall forfeit and pay the sum of five dollars for each dog or slut so omitted.

SEC. 3. The City Marshal shall prepare dog collars, not exceeding in price twelve and one half cents each, and he shall issue one to each person presenting the certificate of the Collector that the tax has been paid.

SEC. 4. It shall be the duty of all owners of dogs or sluts in the City to procure from the Collector, on paying the proper tax, a collar as above described, which shall be attached to the said animal.

SEC. 5. It shall be the the duty of the City Marshal to capture all dogs or sluts found in the streets or other public places in the City, without the aforesaid collar, and to impound him or her for three days, and if the same shall not be reclaimed and the proper tax and also costs and charges paid within said time, then it shall be his duty to put the animal to death. For his services in carrying this ordinance into execution, the City Marshal shall be allowed as follows: For capture of the animal, fifty cents; for feed of the same, per day, ten cents; for killing and transportation of the carcass to such place as is required by law, fifty cents; which sums, if not paid by the owner, shall be a charge upon the City.

SEC. 6. The City Marshal shall rent a lot within or without the City limits, and prepare the same to be used as a pound, the expenditures of which shall be, with the the advice and consent of the Committee of Accounts, paid by the City.

SEC. 7. If the dog or slut belonging to any person not a resident of the City, or within one mile of the City boundaries, shall be secured under the foregoing provisions, the same shall be delivered to the claimant without charge, provided the claim shall be made within twenty-four hours after seizure. But if not made within said time, the claimant shall pay costs and charges.

SEC. 8. It shall not be lawful to seize any dog or slut belonging to any person not a resident of the City, if the animal shall be attached to a vehicle of the owner, or shall be within his personal presence.

Sec. 9. The City Marshal shall be authorized, at the expense of the City, with the advice and consent of the Committee of Accounts, to have prepared such instruments for capturing the animals liable to seizure as aforesaid, as may be necessary and proper.

Sec. 10. No hog shall be permitted to run at large in the City.

Sec. 11. It shall be the duty of the City Marshal to impound all hogs going at large, and to sell the same to the highest bidder at the pound, after three day's notice at the Court House door, unless the owner shall have redeemed them by paying to the City Marshal one dollar and all expenses of impounding them, and one dollar shall be collected as often as the hogs shall be permitted by their owners to go at large.

Sec. 12. The money arising from the sale of said hogs over one dollar and all expenses, shall be paid to the owner, or to the City Treasurer, if the owner cannot be found.

Sec. 13. Hogs belonging to non-residents may be redeemed by the payment of twenty-five cents and all expenses of impounding them, and all money received for hogs sold belonging to non-residents over twenty-five cents and all expenses, shall be paid to the owner, or to the City Treasurer if the owner cannot be found.

Sec. 14. Any person permitting a hog to run at large in any of the streets of the City, shall be subject to a penalty of two dollars.

Sec. 15. A tax of three dollars shall be paid for every goat going at large in the City, to be recovered by warrant before the Mayor, and each day such animal shall go at large shall constitute a distinct offence.

Sec. 16. Any person who shall obstruct, or endeavor to obstruct, the execution of any provision of this chapter, shall forfeit twenty dollars for every such offence.

CHAPTER XI.

POLICE ORGANIZATION AND REGULATIONS.

SECTION.
1. Organization and number.
2. Duties of Mayor as head of the Department.
3. City Marshal, election and duties.
4. Assistant Chief of Police, election and duties.
5. Policemen, election and duties.
6. Authority to summons *posse*.
7. Power to enter house.
8. Duties at fire and miscellaneous.
9. Penalty for assaulting officer.
10. When policemen unwell, substitute may be employed.
11. Mayor may commission special policemen, when.

SECTION.
12. City Marshal to make weekly returns.
13. Night police abolished. Reliefs.
14. Duties of Officer in charge.
15. Officer in charge responsible for his relief
16. Penalty upon policeman for neglect of duty.
17 Penalty for failing to light and extinguish lamps
18. Responsibility of City Marshal.
19 Uniform of police force
20. Duty of neatness.
21. To keep repeating pistol.
22. Mayor may appoint secret detective.

SEC. 1. The Police organization for the City shall consist of the Mayor, the City Marshal, the Assistant Chief of Police, and as many Policemen as the Board of Aldermen shall from time to time determine.

SEC. 2. The Mayor shall have the general control and supervision of the Police Department, and may at any time discharge any member of the police force, except the City Marshal and the Assistant Chief; subject, however, to an appeal from his decision to the Board of Aldermen.

SEC. 3. The City Marshal shall be elected at the first regular meeting in May of each year. He shall give bond payable to the City, in the sum of three thousand dollars, conditioned for the faithful performance of his duties. He shall be Chief of Police and shall superintend and regulate the Department. He shall make out and present to the Board of Aldermen monthly, at their regular meeting, a pay roll of all the salaried officers of the City. He shall keep a Record Book and enter therein all violations of City ordinances and Police regulations, and by whom committed, and he shall transfer from said Record Book

to the Mayor's Trial Docket all cases requiring judgment. He shall report to the Mayor each day, at an hour to be designated by the Mayor, with the Trial Docket fully prepared. The Record Book shall always be subject to the inspection of the Mayor and of any member of the Board of Aldermen. It shall be the duty of the City Marshal to collect all the taxes not embraced in the listed taxes, and all fines and costs imposed by the Mayor, and upon all his collections he shall receive five *per cent.* commission. He shall pay over to the Treasurer each week the amount received by him, accompanied with a sworn statement as provided in Chap XIII. He shall further perform all the duties imposed upon him in these ordinances and which may hereafter be imposed by the Board. His rate of compensation shall be fixed by the Board.

SEC. 4. The Assistant Chief of Police shall be elected at the first regular meeting in May of each year or as soon thereafter as the Board may determine. He shall be Clerk of the Market as provided in Chapter VII of the Ordinances, and shall give the bond and perform all the duties therein required. He shall also assist the City Marshal in the discharge of his various duties, and perform such other services as the Board may from time to time require, and his rate of compensation shall be determined by the Board.

SEC. 5. The Policemen shall be elected for the term of six months, subject to removal as provided in section 2. It shall be their duty to suppress all disturbances of the quiet and good order of the City, and to arrest all offenders against the same; to prevent, as far possible, all injury to the City property and buildings, and the streets and sidewalks, and to report to the Mayor any repairs needed; to ascertain if spirituous or malt liquors are retailed by any person in the City other than those recommended and licensed, and report all such persons so retailing to the mayor.

SEC. 6. The Policemen shall have authority, if resisted in the execution of their official duties, to summon a sufficient number of men to aid them in enforcing the law; and if any persons so summoned shall refuse to assist, the Policeman is hereby directed to report the names of such persons to the Mayor, who is directed to proceed against them as the law directs.

SEC. 7. The City Policemen shall have power to enter the enclosure and house of any person, without warrant, when they have good reason to believe any of the laws of the State or ordinances of the City are violated, for the apprehension of any person so offending; and, if necessary, to summon a *posse* to aid them, and all persons so summoned shall have like authority.

SEC. 8. Upon the occurrence of a fire the Policemen shall give instant alarm by ringing the bells of the City, and shall be present at every fire to preserve order and protect property, under the direction of Mayor. They shall not enter any house or yard except in pursuit of a fugitive or to suppress disorder. No Policemen shall participate in any political or other meeting while on duty; they are also forbidden to frequent liquor houses except in the legitimate discharge of their duties. A failure to conform to the provisions of this ordinance will subject the offender to immediate discharge. They shall secure in Jail or in the Guard House all persons who shall make a disorderly noise in any street or elsewhere in the City, or who shall in any other way disturb the good order of the City, or violate the ordinances of the City or the laws of the State. Any person confined in the Guard House by day or night, as directed in this or other chapters, may be released upon paying two dollars and cost of warrant, unless he has committed an offence subjecting him to a higher penalty.

SEC. 9. Any person who shall assault, oppose or resist, or in any manner abuse or insult any officer of the City or

member of the Police, while in the discharge of any duty, shall forfeit twenty-five dollars, or suffer imprisonment not to exceed one month.

Sec. 10. When any member of the Police shall be unable, from sickness or other unavoidable cause, to perform his duty, he shall notify the Mayor, who is hereby authorized to employ a substitute for the particular occasion; the expenses of the said substitute to be deducted from any amount due the said Policeman.

Sec. 11. On Sundays and other days, when in the Mayor's judgment it may be necessary, the Mayor shall be authorized to appoint and commission special Policemen to take charge of Oakwood and other cemeteries of the City, also of the Capitol and other public squares and lots, the various Churches and other places of public gathering: *Provided*, The City shall not be liable to any expense on this account, and the Mayor shall be authorized to withdraw any authority granted under this ordinance, and to appoint other officers whenever he may deem it expedient.

Sec. 12. The City Marshal shall be required to make on Tuesday of each week, returns on oath, before an officer qualified to administer an oath, of all taxes, fines, forfeitures and collections of every kind, which have been, or ought to have been, received by him, by virtue of his office, for the preceding week, not previously returned. Said statement shall be filed with the Clerk of the Board of Aldermen, who shall report the same to the Board at their first meeting held thereafter; and the said City Marshal shall pay to the Treasurer of the Board, for the use of the City, weekly, the amount owing by him.

Sec. 13. There shall be no distinction between the day and night Police. The Police force shall be divided into three reliefs, and each relief shall be on duty for eight hours consecutively. One relief shall always be on duty at the Guard House as a reserve, unless absent on other duty.

SEC. 14. The officer in charge of the reserve relief shall habitually remain at the Guard House. When necessary he shall give the fire alarm. He shall have charge of all prisoners and shall make the proper detail from the reserve to guard the prisoners who may be at work on the streets. Each relief shall be transferred weekly in regular rotation.

SEC. 15. The officer in charge of each relief shall have direct control of it and shall be responsible for any dereliction of duty on the part of any member thereof, unless he report the same to the Mayor or City Marshal. It shall be his duty to visit every member of his relief at least once during the time they may be on post. He shall report to the City Marshal daily at 9 A. M., or at such hour as the Mayor may designate.

SEC. 16. No Policeman shall leave the division in which he may be posted without the consent of the officer in charge, unless in pursuit of a criminal. Any Policeman who shall be found sitting down on his post shall be fined one dollar for each offence, which shall be deducted from his monthly pay, unless he shall render a satisfactory excuse. He shall not stop, nor loiter nor talk with any person except in the discharge of his duty.

SEC. 17. If any Policeman shall fail to light or extinguish the street lamps at the proper time in the division in which he may be posted, he shall be fined fifty cents for each lamp so neglected, to be deducted as provided in the preceding section.

SEC. 18. The City Marshal is responsible for the execution of the above regulations, and he is hereby authorized and instructed to make such arrangements as may be necessary to carry them out.

SEC. 19. The uniform of each member of the Police force shall be as follows:

Blue Police cap, with the number of the wearer on the band, just above the vizor.

Blue frock coat, long, double-breasted, with brass Police buttons.

Blue pants. Leather belt, with baton suspended on left side.

SEC. 20. Each Policeman shall habitually present himself at the proper hour at the Guard House, dressed neatly, with shoes blacked and hair trimmed.

SEC. 21. Each Policeman shall, when required, wear a repeating pistol loaded in his holster. Any Policeman who shall fail to keep his pistol in good order shall be fined fifty cents, to be deducted from his monthly pay.

SEC. 22. Whenever in the opinion of the Mayor it shall be necessary to employ a secret detective, the Mayor shall have power to do so; *Provided*, That no greater expense than one hundred dollars shall be incurred without a vote of the Board of Aldermen.

CHAPTER XII.

TAXATION, LICENSES, &C.

SECTION.
1. Retailers of liquors to apply for license.
2. Selling on Sunday inviolates license.
3. Penalty for selling without license.
4. Penalty for selling on Sunday.
5. All licenses to expire in May.
6. Tax on retailers.
7. Persons desirous of keep restaurant, must apply in writing.
8. Tax on restaurants.
9. Tax on drays, &c.
10. Owners of drays, what to charge.
11. License for dance or ball.
12. Property exempted from taxation.
13. Tax on Circuses, Menageries, etc.
14. Tax on exhibition of machinery, etc.

SEC. 1. Every person desirous of obtaining a license to retail spirituous or malt liquors, shall make application in writing to the Board of Aldermen, specifying the place where the retailing is to be done; and the license,

if granted, shall be granted to retail at that place, and no other: *Provided, however,* That he may change his place of retailing by permission of the Board.

SEC. 2. Every license issued to retail spirituous or malt liquors shall contain an express condition that it shall be void in case the person obtaining it shall sell any spirituous liquors on Sunday.

SEC. 3. Every person, druggists excepted, who shall, in the City, or within the limits thereof, sell any spiritous liquors by a measure less than a quart, or any lager beer, ale, porter or other malt liquors by a measure less than a gallon, without first having obtained a license from the Board of Aldermen and paid the license tax, shall forfeit twenty dollars for every such act of selling.

SEC. 4. Every person, druggists excepted, whether licensed or not, who shall sell any spirituous liquors in any quantity on Sunday, shall forfeit and pay twenty-five dollars; and in addition thereto, may, on conviction before the Mayor, be adjudged to have forfeited his license. No druggist without license shall sell any spirituous or malt liquors by measure less than a quart, except on prescription of a regular physician.

SEC. 5. All licenses hereafter issued shall be granted only to the first Monday in May of each year, and all subsequent applications shall be charged *pro rata* from the first of the month in which such application is made until the first Tuesday in the month of May next ensuing.

SEC. 6. A tax of one hundred dollars, payable in cash, is hereby imposed on each person obtaining a recommendation to the County Commissioners to retail spirituous or malt liquors by the small measure for one year, and the applicant shall pay that sum to the City Marshal before the recommendation shall be issued by the Clerk of the Board.

SEC. 7. Every person desiring to open a victualing-house or restaurant in the City, shall make application

to the Board of Aldermen in writing; and the license if granted, shall be issued by the Clerk of the Board, who is hereby directed to record, in his book, the name of the applicant and the date of the license, also the name of the applicant for retail license and the date of the retail license. Any person who shall establish a restaurant or eating house within the City without having first paid the license tax to the City Marshal, shall forfeit twenty-five dollars for each offence.

SEC. 8. A tax of not less than twenty-five nor more than fifty dollars, is hereby imposed upon each person licensed to keep a restaurant for one year.

SEC. 9. No person shall run a public wagon or dray in the City for hire, without first paying the taxes required by law and procuring a license from the City Clerk, under a penalty of five dollars for each and every violation. The City Marshal shall have every public wagon or dray in the City numbered.

SEC. 10. If the owner of a one-horse dray or wagon shall charge or receive more than twenty-five cents for carrying one load to any part of the City, he shall forfeit five dollars. If the owner of a two-horse dray or wagon shall charge or receive more than fifty cents for carrying a load to any part of the City, he shall forfeit ten dollars, one-half of the sum in each case to be paid to the informer, if not an officer of the City.

SEC. 11. That every person desirous of giving any ball, dance or musical entertainment, except for charitable or religious purposes, at which there is charged an entrance fee, shall apply to the City Marshal for license to hold the same, and shall pay for such license the sum of ten dollars.

SEC. 12. No property in the City liable to taxation shall be exempt, except churches, parsonages, and free school houses.

SEC. 13. Every Circus Company shall pay a tax of fifteen dollars for each exhibition: every Menagerie shall

pay ten dollars for each exhibition; every Circus Company and Menagerie combined shall pay twenty-five dollars for each exhibition, and every Side-Show of whatever description connected with a Circus or Menagerie, shall pay five dollars for each exhibition. Every Theatrical Company and every Company giving giving Concerts for reward shall pay five dollars for one performance; for two performances, eight dollars; for three, ten dollars; for four, twelve dollars; for more than four, fifteen dollars. Every other show for reward (models of useful inventions and shows for benevolent purposes excepted) shall pay five dollars for each exhibition. If these taxes shall not be paid before exhibition, they shall be doubled. Organ Grinders and Street Musicians, non-residents of the county of Wake, shall pay twenty-five dollars per annum.

SEC. 14. Every exhibitor of any machine and apparatus designed for the public amusement, for the seeing or using of which compensation shall be charged, not specially mentioned in some other ordinance, shall pay ten dollars each six months or part thereof the same shall be on exhibition: *Provided*, That this ordinance shall not apply to exhibitions strictly scientific, nor to those where the entire proceeds shall be devoted to charitable or educational purposes.

SEC. 15. The license tax for offering for sale goods by sample, or otherwise peddling within the limits of the City, shall be twenty dollars. Any person peddling, by sample or otherwise, without license, shall pay a fine of fifty dollars.

CHAPTER XIII.

CLERK AND TAX-COLLECTOR, AND MISCELLANEOUS PROVISIONS RESPECTING OFFICERS.

SECTION.
1. Fee for license.
2. Fee for collecting tax, &c.,
3. To keep room, to have office-hours &c.
4. Form of tax receipt.
5. Form of Treasurers receipt.
6 Officers to pay taxes to the Treasurer week.

SEC. 1. The Clerk of the Board of Aldermen shall be entitled to demand and receive a fee of one dollar for each auctioneer's license, for each retail license, and for any other license he may be authorized to issue, to be paid by the applicant upon delivery of the license.

SEC. 2. The Tax Collector shall be allowed the amount prescribed in the Charter, and the Clerk of the Board the sum of five dollars per annum, and the same person shall be chosen for both offices.

SEC. 3. The Clerk of the Board and Tax Collector shall have a room in the market building for the transaction of business. He shall have daily office hours, not less than four each day, during which he shall attend to the collection of taxes and other moneys due the City, and perform all other duteis prescribed for the Clerk of the Board of Aldermen. The bond of this officer, for the faithful performance of his duties shall be fixed at twenty thousand dollars.

SEC. 4. When the Tax Collector shall give a receipt for taxes paid, he shall endorse thereon, the amount of said taxes which was paid in cash, and the amount which was paid in City scrip, which endorsement he shall also make on the stubs of the receipt.

SEC. 5. The City Treasurer shall state in each and every receipt he may give to the Tax Collector in what manner the amount was paid, whether in cash or in scrip, and he shall keep an account of such receipts open to the inspection of the Board whenever called.

SEC. 6. The City Marshal, Clerk, or other person receiving money belonging to the City (except taxes) shall pay over the same to the Treasurer on Tuesday of every week, and shall accompany such payment with a sworn statement showing from where and on what account the same was received, whether it was paid in cash or scrip, and the date of its receipt.

SEC. 7. All officers of the City having any of the property of the City in their charge, shall report an inventory of the same on the first day of November and May of each year.

CHAPTER XIV.

THE AUDITOR AND HIS DUTIES.

SECTION.		SECTION.	
1.	Election and bond	3.	Duty to audit receipts.
2.	Duty to audit orders.	4.	Reports and other duties.

SEC. 1. There shall be annually elected on the first meeting in May, or as soon thereafter as the Board of Aldermen shall determine, an Auditor of the City, who may or may not be a member of the Board. His salary shall not exceed two hundred dollars, and he shall give bond payable to the City in the sum of one thousand dollars for the faithful performance of his duties.

SEC. 2. It shall be the duty of the Auditor of the City to audit all orders on the Treasurer issued by the Clerk of the Board, and to enter on a book prepared for the purpose all orders so issued, with the Auditor's date and number; and also the date and number of the Clerk, the amount of the order, to whom payable and on what account.

SEC. 3. It shall also be the duty of the Auditor to enter on a book, prepared for the purpose, duplicates of all

receipts given by the Treasurer of the City, with the number and amount of the receipt, the party paying the money into the Treasury, and from what source the money has been derived, with the date of the receipt by the Auditor.

SEC. 4. It shall be his duty to report to the Board each month all duplicates of receipts given by the Treasurer, with the party by whom the money has been paid to the Treasurer, the amount of each receipt and the source from which the moneys paid has been derived; also to report all orders issued by the Clerk, to whom payable, on what account and the amounts. The Auditor shall further perform such duties as the Board may hereafter impose upon him.

CHAPTER XV.

THE CEMETERIES.

SECTION.

1. The Cemeteries.
2. Sexton to be appointed.
3. Sexton to dig all graves.
4. Sexton's duty to see ordinances enforced.
5. Sexton to keep cemetery in order.
6. Sexton's duty to keep a book of record.
7. All graves, how dug.
8. Fees allowed.
9. No person to dig a grave but the Sexton, except on private burial lots.
10. No person to dig a grave on private lot except under direction of owner.
11. No person to remove stakes.
12. No person to cut or injure any tree, shrub, or plant, &c.
13. No person to discharge firearms in the cemetery.
14. No person to ride or drive in the cemetery faster than a walk.
15. No person to deposit filth, &c.
16. No person to excavate or remove earth.
17. Cemetery not to be used as a play ground.
18. Duty of City Marshal to lay off lots.
19. No person to purchase more than 300 square feet.
20. City Marshal to issue certificate.
21. Duty of Marshal to collect money.
22. City Marshal to be present at laying off of graves.
23. Police powers given to the Sextons and their assistants.

SEC. 1. The City Graveyard, between Hargett and Newbern Streets, east of East street, hereafter shall be

used exclusively for the burial of white persons, and the Colored Cemetery on the Fayetteville Road, shall be used exclusively for the burial of colored persons.

Sec. 2. There shall be appointed at the regular December meeting of the Board, in each and every year hereafter, a Sexton to take charge of the City Cemetery, and a Sexton to take charge of the Colored Cemetery.

Sec. 3. Each Sexton shall have the digging of all the graves in his cemetery, at such prices as are hereinafter established, as a part of his compensation.

Sec. 4. It shall be the duty of the Sextons to see that all the laws concerning the cemeteries are duly observed and enforced, and in case of infraction to report the same to the Mayor.

Sec. 5. They shall keep their respective cemeteries in a neat and clean condition, performing all work which they may be directed to do by the Board, and give their whole time to work in the cemetery, and for this they shall be paid the further allowance of one hundred dollars a year each, out of the City Treasury.

Sec. 6. It shall be the duty of each Sexton to keep a book, in which the name, age, disease of deceased, and date of burial in their respective cemeteries are recorded, keeping a distinction between whites and blacks, and also defining, as near as possible, the spot where each body is buried; and each Sexton shall make a report thereof to the Board of Aldermen at their first regular meeting in June and December in each and every year.

Sec. 7. All graves shall be at least five feet in depth, and be sunk due east and west.

Sec. 8. The following fees shall be allowed the Sexton, viz: For digging a plain grave and filling up the same, two dollars; children not over ten years, one dollars and fifty cents; for digging box grave and filling up the same, three dollars; children not over ten years, two dollars; vault grave, four dollars; working on private

lots in cemetery, to be paid by the owner, twenty-five cents an hour or two dollars per day.

Sec. 9. No person other than the regularly appointed Sexton, shall dig any grave, or dig up any sod in the cemetery, except on lots which have been purchased for private burial lots, under a penalty of twenty dollars.

Sec. 10. No person shall dig any grave, put any fence, gravestone or board, or make any erections, or dig up any sod on any private burial lot, except under the direction or by consent of the owner thereof, under a penalty of twenty dollars for each offence.

Sec. 11. No person shall remove the stakes from a burial lot, nor any board, grave-stone or other monument which may have been erected at any grave, nor deface, injure or desecrate any such board, grave-stone or other monument in any manner, under a penalty of twenty dollars for each offence.

Sec. 12. No person shall cut, break or in any other manner injure or destroy any tree, shrub or plant, or wantonly injure or destroy any flower, either wild or cultivated, in the cemeteries, under a penalty of twenty dollars.

Sec. 13. No person shall discharge fire-arms in either cemetery under a penalty of twenty dollars.

Sec. 14. No person shall drive, ride or lead any horse or vehicle in the cemeteries faster than a walk, under a penalty of ten dollars.

Sec. 15. No person shall deposit, or cause to be deposited, any filth or unclean or offensive substance in either cemetery, under a penalty of twenty dollars.

Sec. 16. No person shall excavate any earth in either cemetery, or remove the same therefrom, excepting by the consent or under the direction of the Board of Aldermen, or of the Sexton, or of some other officer legally authorized by the said Aldermen, under a penalty of twenty dollars for each offence.

SEC. 17. It shall be unlawful for persons, large or small, to use the cemeteries as a play ground, and it shall be the duty of the Sextons to prevent such use. If, after being ordered to desist by the Sexton, they should still persist, it shall be his duty to carry them before the Mayor, who shall impose a penalty of twenty dollars.

SEC. 18. All persons desiring to purchase lots in the cemeteries must apply to the City Marshal, whose duty it shall be to lay off said lot and require an immediate cash payment of four cents per square foot laid off for such private use, if for a city resident, and fifteen cents per square foot for the use of a non-resident: *Provided*, No more lots shall be sold in the City Cemetery. The lots in the Colored Cemetery shall be sold at three cents per square foot.

SEC. 19. No one person shall set apart for his own family use more than three hundred square feet in either cemetery.

SEC. 20. On the payment of the sum above required the City Marshal shall issue a certificate to the purchaser of said lot, specifying the lot and price thereof. Upon the presentation of the said certificate the Mayor shall make out a deed for said lot, and shall cause the Clerk of the Board to enter in a book, kept for that purpose, the date of the deed, the description and price of the lot, and to whom sold.

SEC. 21. It shall be the duty of the City Marshal to collect all moneys due for burial lots and graves in the cemeteries, and pay the same over to the City Treasurer.

SEC. 22. The City Marshal must be present at laying off of all graves; he shall be allowed twenty-five cents for each and every grave of persons non-residents of the City, and five per cent. on all such collections made.

SEC. 23. The Sextons of the City and Colored Cemeteries and the Sexton of Oakwood Cemetery shall have within their respective cemeteries, the power and author-

ty of Policemen, and may arrest any person for any violation of the Ordinances of the City or of the regulations of their respective cemeteries. The same authority shall be exercised by their legally appointed assistants.

CHAPTER XVI.

PAYMENT OF MONEY OUT OF THE TREASURY.

SECTION.
1. No money to be paid out unless by order of the Board.
2. Warrant to state nature of claim.
3. Clerk to keep duplicate of warrants.
4. No debt to be contracted without an order from the Mayor.

SEC. 1. No money shall be paid out of the City Treasurer, unless by order of the Board of Aldermen in meeting assembled, and then only upon a warrant signed by the Clerk of the Board, and countersigned by the Mayor.

SEC. 2. All warrants shall state upon their face the nature of the claims for which said warrants are drawn.

SEC. 3. The Clerk of the Board shall, in each and every case, retain in a book, kept for that purpose, a duplicate of every such warrant issued.

SEC. 4. No debt created by any City officer or employee shall be paid or recognized by the Board, unless procured with an order signed by the Clerk, and countersigned by the Mayor.

CHAPTER XVII.

AUCTIONEERS.

SECTION.
1. Aldermen may appoint Auctioneers.
2. To pay one per cent. on amount of sales monthly.
3. Forfeit for selling without authority.

SEC. 1. The Aldermen of the City of Raleigh may, in their discretion, appoint, whenever they may see fit during each year, as many as five Auctioneers for the City, each of whom shall execute bond, to be approved by the Aldermen, payable to the State of North Carolina in like manner, penalty and condition as is prescribed in Chapter 8, of Battle's Revisal, (Auctions and Auctioneers,) which bond shall be returned by the Aldermen to the Clerk of the Superior Court to be by him safely kept [See Battle's Revisal, Auctions and Auctioneers.]

SEC. 2. It shall be the duty of the City Collector to call the first Monday in every month on the Auctioneers of the City of Raleigh for one per cent. on the amount of sales made by them, for the use of the City, as allowed by act of Assembly. When received he shall pay the same over to the City Treasurer, and take his receipt for the same.

SEC. 3. If any person shall sell goods by auction in the City without authority from the Aldermen, he shall forfeit twenty-five dollars for every such offence, to be recovered by warrant before the Mayor.

CHAPTER XX.

CONTAGIOUS AND INFECTIOUS DISEASES: BOARD OF HEALTH.

SECTION.
1. No person afflicted with a contagious or infectious disease to be brought into the City, except by permission of the Mayor or Aldermen.
2. Forfeiture for coming into the City without permission.
3. Aldermen may remove persons out of the City to Hospital
4. Mayor to approve prescriptions for paupers.
5. Board of Health.

SEC. 1. No person, without first obtaining for that purpose the permission of the Mayor or the Board of Aldermen, shall knowingly bring, or allow to be brought, or shall connive at the bringing into the City, any person, in his or her employment, or under his or her management or control, afflicted with small pox or other mortal disease of a contagious or infectious kind; and every person offending against this ordinance shall forfeit and pay twenty-five dollars and all expenses and charges incurred by the corporation on account of such afflicted person so brought into the City.

SEC. 2. If any such afflicted person shall come into the City, without permission as aforesaid, he shall, for every such offence, forfeit twenty-five dollars.

SEC. 3. The Board of Aldermen shall have power to remove from the corporate limits of the City, to the City Hospital, or to any other place without the limits, any person who may be afflicted with small pox or other mortal disease of an infectious or contagious nature; and it shall be their duty to do so whenever, in the judgment of the Board, such removal may be necessary to prevent the further spread of the disease. Any person attempting, by threats or force, to prevent the removal to the hospital of any person ordered to be removed thither, shall forfeit twenty-five dollars.

SEC. 4. All applications for medicine made by the poor of the City shall be made to the Mayor, and he shall countersign the prescriptions and keep a suitable book wherein the names of all such applicants shall be recorded.

SEC. 5. The Medical Faculty of the City shall be appointed a Board of Health, and they are hereby so constituted, and they are respectfully requested, each one for himself, to communicate to the Mayor, in writing, on the first day of each month, the number of deaths occurring in his practice in the limit of the City, within the month preceding, and the diseases of which the different patients died.

CHAPTER XXI.

COMMISSIONER OF SINKING FUND.

SECTION.
1. Commissioner to give bond, with sureties, penalty to be, from time to time, increased.
2. Commissioner to call on Treasurer for statement of special tax. Treasurer to pay to him excess over $4,000.00, &c.
3. City Collector to pay excess over $4,000.00 of special tax to Commissioner.
4. Commissioner to advertise for proposals for sale of bonds issued under Act of March 30th, 1869, when.
5. If none of said bonds can be purchased at par value or less, other bonds of the City may be in like manner purchased.
6. If no bonds of the City can be so purchased, Commmissioner may purchase bonds of the United States.
7. Commissioner to report, annually, in the month of May, condition of Fund.
8. Commissioner may be removed: upon failure to give bond, office to be vacant.

SEC. 1. The Commissioner of the Sinking Fund shall give bond, payable to the City of Raleigh, in the penal sum of ten thousand dollars, with at least two sureties, to be approved by the Board. The sureties shall make oath that they are worth, in real and personal property,

over and above liabilities and exemptions allowed by law, at least the amount of the penalty of the bond. The bond shall be annually renewed during the month of May, and the penalty shall be, from time to time, increased according to the probable amount of the funds to be in the hands of the Commissioner during the succeeding year.

SEC. 2. It shall be the duty of the Commissioner of the Sinking Fund to call on the Treasurer of the City for a statement of the special taxes collected for the purpose of paying the principal and interest of the bonds issued under an act "to enable the City of Raleigh to borrow money for certain purposes," ratified March 30th, 1869, and the Treasurer shall pay to him the excess over $4,000, being the amount needed to pay interest on said bonds which fell due in 1871: *Provided*, That if there shall be a deficiency in the Treasury, the Treasurer shall deliver to the Commissioner an obligation signed by him, pledging the City to pay said amount on or before the 1st day of October, 1873 and 1874, in equal installments, with interest from the 1st day of April, 1872, at the rate of eight per cent. per annum, payable semi-annually.

SEC. 3. The City Collector shall, after the year 1871, pay the whole of said special taxes to the said Commissioner, who shall give receipts for said payments, and pay the interest on the bonds issued under said act at the time said interest becomes due. And it shall be the duty of said Commissioner to demand said special tax from time to time from the Collector, and if not paid, to report the fact to the Board.

SEC. 4. The said Commissioner shall, from time to time, when he shall have sufficient money in his hands, advertise for ten days in the daily newspapers for sealed proposals for the sale of bonds of the City issued under said act. Bids shall be opened in the presence of the Mayor and Treasurer, and such bids, not exceeding par,

as are most advantageous for the City shall be accepted; but said officers, if deemed best, may refuse to accept any bids made, and advertise for additional proposals. Bonds of the City so purchased shall be cancelled by them.

SEC. 5. If, after reasonable diligence, none of said bonds can be purchased at their par value, or less, then the Commissioner shall in like manner purchase any other bonds of the City which shall be cancelled, and registered certificates, signed by the Treasurer, payable to said Commissioner, issued in exchange, principal and interest payable at the same time and place.

SEC. 6. If no bonds of the City can be bought at par or less, then the Commissioner shall purchase bonds of the United States, which, if unregistered, shall be forthwith registered in the name of said Commissioner, who shall collect the interest regularly and re-invest the same as required by this ordinance in other bonds.

SEC. 7. The said Commissioner shall make a report to the Board annually, at their meeting in the month of May, of the condition of the Fund and of his action since the last report. He shall likewise recommend to the Board, for their consideration, a scheme of taxation for carrying into effect the provisions of the above-mentioned act of the General Assembly.

SEC. 8. The Commissioner may be removed from office, at any time, for misbehavior or neglect in office; and if he shall fail to give the bond required by the Board, his office shall, *ipso facto*, be vacant.

CHAPTER XXII.

BONDS.

SECTION.
1. Owner of bonds may have the same made payable to himself, and not to bearer.
SECTION.
3. Coupon bonds may be altered into registered bonds.
2. How alteration to be made.

SEC. 1. Any *bona fide* holder and owner in his or her own right, or as trustee for another of any coupon bonds already issued by the City of Raleigh and made payable to bearer, may be allowed to have such bond so altered as to be payable to himself or herself by name, and the word "bearer" expunged.

SEC. 1. Such alteration shall be made by the Treasurer of the City of such bond already issued or hereafter to be issued by the City, and he shall note the alteration on the same page of the registry of bonds, on which the bond thus altered shall be registered or recorded.

SEC. 3. On the surrender of any of said coupon bonds, the Treasurer shall, if requested, issue a consolidated bond for the total amount of the bonds so surrendered, payable to the owner or to his order, bearing the same rate of interest payable at the same time. The surrendered bonds shall be cancelled by the Treasurer, in presence of the Mayor, and the Treasurer shall report his action to the Board at the next meeting.

CHAPTER XXIII.

MISCELLANEOUS PROVISIONS.

SECTION,
1. City Attorney.
2. Resignations to lie over until next meeting.
3. Repealing section.

SEC. 1. The Board of Aldermen may, at their first regular meeting in May, or at any time during the year, elect a City Attorney, who shall hold his office for one year. It shall be his duty to act as the legal adviser of the Board of Aldermen and the officers of the City, to represent the City in all actions brought by or against it, and to perform such other duties as the Board of Aldermen shall from time to time impose upon him. His rate of compensation shall be determined by the Board.

SEC. 2. No member of the Board of Aldermen shall be allowed to tender resignation of his office except in writing, and the matter shall lie on the table of course until the next regular meeting.

SEC. 3. All ordinances heretofore passed for the government of the City of Raleigh, which are repugnant to the provisions of the ordinances above set out, are hereby repealed, but no offence committed and no penalties incurred under any ordinance hereby repealed shall be affected by the repeal.

APPENDIX.

I desired to give in the Appendix all the resolutions and ordinances relating to the issue of bonds; but finding that many bonds were issued in renewal of bonds previously issued, and that the amount of the issue was not always definite, I have concluded that such publication will be superfluous. The Appendix therefore contains only a summary of, and reference to the resolutions and ordinances upon the subject. F. H. B.

1. January 7th, 1869. Fifty thousand dollars ($50,000) of bonds, authorized by sections 105, 106, 107 and 108 of the Charter, known as "Market House Bonds," ordered to be issued.

2. June 16th, 1871. Thirty thousand dollars ($30,000) of bonds authorized to be issued and sold to pay the "floating debt." Records, pages 44, 45, 46, 47.

3. March 27th, 1872. Five thousand dollars ($5,000) of bonds issued to pay necessary expenses. Records, page 133.

4. June 11th, 1872. Fifteen thousand dollars ($15,000) of bonds to be issued in exchange for matured bonds and City scrip. Records, page 174.

5. July 13th, 1872. Treasurer ordered to sell eight thousand dollars ($8,000) of the bonds authorized in the preceding resolution (4). Record, page 179.

6. August 9th, 1872. Seven thousand dollars ($7,000) of bonds ordered to be issued in exchanged for old bonds. Records, page 183.

7. September 30th, 1872. Ten thousand dollars ($10,000) of three years bonds ordered to be issued, $2,000 to pay for stock in Oakwood Cemetery, and $8,000 at not less than ninety cents in the dollar, in exchange for bonds of Mr. Purefoy. Records, page 194.

8. January 6th, 1873. Six thousand dollars ($6,000) in three years bonds authorized to be issued. Records, page 215.

9. June 4th, 1873. Five hundred dollars ($500) in bonds ordered. Records, page 246.

10. June 19th, 1873. Eight per cent. three year bonds, "for the purpose of taking up City scrip and the renewal of past due bonds"—amount left indefinite. Records, page 253.

11. August 13th, 1874. Eight per cent. bonds sufficient to fund the City debt authorized to be issued. Records, page 252.

II. FAIR GROUNDS.

Resolutions to the following effect have been passed by the City authorities in reference to the grounds occupied by the North Carolina State Agricultural Society:

1. February 27th, 1869. Land in the eastern part of the City ceded to the North Carolina State Agricultural Society. Old Records.

2. April 28th, 1869. Deed ordered to be made to the North Carolina Agricultural Society. Old Records.

3. January 29th, 1873. Deed to the "old Fair Grounds" ordered to be made to the North Carolina State Agricultural Society; *Provided*, a deed to the new grounds should be made to the City. Records, page 216.

4. August 27th, 1873. Foregoing deed declared valid and sufficient, with the proviso that the North Carolina State Agricultural Society shall not mortgage the new grounds to a greater extent than ten thousand dollars. Records, page 266.

5. April 25th, 1874. Power given to mortgage for ten thousand dollars more, or to issue bonds secured by mortgage for twenty thousand dollars in all. Records, page 302.

6. January 14th, 1876. Power given to the North Carolina State Agricultural Society to increase its mortgage to thirty-five thousand dollars.

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